TRANSCRIPT OF RECORD

Supreme Court of the United States

OCTOBER TERM, 1938

No. 685

HOWARD S. PALMER, JAMES LEE LOOMIS AND HENRY B. SAWYER, TRUSTEES, ETC., PETITIONERS,

vs.

THE COMMONWEALTH OF MASSACHUSETTS.

ON WRIT OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE SECOND CIRCUIT

PETITION FOR CERTIORARI FILED FEBRUARY 17, 1939.

CERTIORARI GRANTED MARCH 27, 1939.

SUPREME COURT OF THE UNITED STATES

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[fol. 1]

IN UNITED STATES CIRCUIT COURT OF APPEALS FOR THE SECOND CIRCUIT

In Proceedings for the Reorganization of a Railroad

In the Matter of THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY, Debtor

COMMONWEALTH OF MASSACHUSETTS, Petitioner-Appellant,
against
MUTUAL SAVINGS BANK GROUP COMMITTEE ON NEW HAVEN RAILROAD BONDS, et als., Respondents

STATEMENT UNDER RULE XIII

The New York, New Haven and Hartford Railroad Company commenced these proceedings on October 23, 1935 by filing in the United States District Court for the District of Connecticut, a petition for its reorganization under Section 77 of Chapter VIII of the Acts of Congress relating to Bankruptcy, as amended. Honorable Carroll C. Hincks, Judge for the United States District Court for the said District, on the same day entered an order approving said petition as properly filed, and on November 8, 1935 entered another order appointing Howard S. Palmer, James Lee Loomis and Winthrop N. Daniels trustees of the property of the New York, New Haven and Hartford Railroad Company. Said trustees were confirmed by the Interstate Commerce Commission and later qualified under the provisions of said Section 77.

On June 2, 1936, the Old Colony Railroad Company filed in the United States District Court for the District of Connecticut its petition for reorganization under said Section 77. On the next day, Honorable Carroll C. Hincks entered an order approving said petition as properly filed, and on June 18, 1936, the said Judge entered another order [fol. 2] appointing Howard S. Palmer, James Lee Loomis and Winthrop N. Daniels trustees of the properties of the Old Colony Railroad Company. Said trustees were confirmed by the Interstate Commerce Commission and later qualified under the provisions of said Section 77.

On February 24, 1937, the Honorable Carroll C. Hincks entered an order relieving the said Winthrop N. Daniels

of further responsibility and trust as a trustee of the estate of the New York, New Haven and Hartford Railroad Company and of the Old Colony Railroad Company and on March 10, 1937 the said Judge entered another order appointing Henry B. Sawyer as trustee of the estate of the said New York, New Haven and Hartford Railroad Company and the Old Colony Railroad Company to succeed the said Winthrop N. Daniels. The said Henry M. Sawyer was later confirmed by the Interstate Commerce Commission and later qualified under the provisions of said Section 77.

In connection with the said reorganization proceedings, the Mutual Savings Bank Group Committee on New Haven Railroad Bonds, the Protective Committee of the Shareholders of Old Colony Railroad Company and the Old Colony Railroad Company, Debtor, filed a petition in the United States District Court for the District of Connecticut for Order No. 289 with which petition this appeal is concerned.

The original parties to the petition for Order No. 289 were as follows: for the petitioners: Myron F. Converse Theron A. Apollonio, John W. B. Brand, Robert C. Glazier, Charles F. Mann, Thomas W. Murray, Charles A. Post and George H. Woods as they constitute the Mutual Savings Bank Group Committee on New Haven Railroad Bonds; G. Peabody Gardner, Jr., William Dexter, E. Sheldon Stewart, Eugene S. Taliaferro and Alexander Whiteside as they constitute the Protective Committee of the Shareholders of Old Colony Railroad Company; and the Old Colony Railroad Company. For the respondents: Howard S. Palmer, James Lee Loomis and Henry B. Sawyer. The Commonwealth of Massachusetts appeared generally [fol. 3] in opposition to the said petition. The Bank of New York, Trustee under The New England Railroad Company Consolidated Mortgage, and the Bankers Trust Company, Trustee under the first and Refunding Mortgage of the New York, New Haven and Hartford Railroad Company filed appearances.

The appellant herein is the Commonwealth of Massachusetts. The appellees herein are the Mutual Savings Bank Group Committee on New Haven Railroad Bonds, the Protective Committee of the Shareholders of Old Colony Railroad Company Howard S. Palmer, James Lee Loomis and Henry B. Sawyer, Trustees of the property of The New York, New Haven and Hartford Railroad Company and of

Old Colony Railroad Company and the Old Colony Railroad Company.

In the original reorganization proceedings of the New York, New Haven and Hartford Railroad Company and of the Old Colony Railroad Company many have entered their appearances, but in the proceedings relating to this appeal, except as above stated, no other has become a party before this appeal.

The petition for Order No. 289 was filed on June 20, 1938. The answer of the trustees to the said petition was filed on June 27, 1938. Trial of the issues therein was commenced before the Honorable Carroll C. Hincks, Judge of the United States District Court, for the District of Connecticut, on July 7, 1938; continued on July 8, 1938 and concluded on the latter date.

No question relating to the said petition for Order No. 289 was referred, no interlocutory decree was entered therein, and no attachment or order of arrest has been issued.

On July 9, 1938 the final order therein was entered and on August 2, 1938 the appeal was taken and was allowed.

On August 1st, 1938, the Commonwealth of Massachusetts also filed in the Circuit Court of Appeals for the Second Circuit a petition for leave to appeal from said order No. 289. This petition was heard and allowed by the said Circuit Court of Appeals on October 11, 1938, an order, dated October 11, 1938 was entered thereon.

[fol. 4] IN UNITED STATES DISTRICT COURT FOR THE DISTRICT OF CONNECTICUT

In Proceedings for the Reorganization of a Railroad

No. 16562

In the Matter of THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY, Debtor

PETITION FOR AN ORDER DIRECTING THE TRUSTEES OF THE PRINCIPAL DEBTOR AND OF OLD COLONY RAILROAD COMPANY TO EFFECT CERTAIN OPERATING ECONOMIES ON THE LINES OF OLD COLONY RAILROAD COMPANY, DEBTOR

Petition for Order No. 289

To the Honorable the Judges of the United States District Court for the District of Connecticut:

The petition of Myron F. Converse, Theron A. Apollonio, John W. B. Brand, Robert C. Glazier, Charles F. Mann,

Thomas W. Murray, Charles A. Post and George H. Woods, as the Mutual Savings Bank Group Committee on New Haven Railroad Bonds; George Peabody Gardner, Jr., William Dexter, E. Sheldon Stewart, Eugene S. Taliaferro and Alexander Whiteside, as the Protective Committee of the Shareholders of Old Colony Railroad Company; and Old Colony Railroad Company, Debtor, respectfully shows:

[fol. 5] Old Colony Railroad Company, hereinafter referred to as Old Colony, one of the petitioners herein, is a railroad corporation organized under the laws of The Commonwealth of Massachusetts and under the laws of The State of Rhode Island and Providence Plantations. It owns and is or has been lessee of railroads in Massachusetts and in Rhode Island and, by an indenture dated February 15, 1893, it leased its railroad and other properties to the Principal Debtor.

2. On June 1, 1936, the Trustees of the Principal Debtor gave notice to Old Colony of their rejection of said lease; and thereafter, on June 3, 1936, Old Colony filed in these proceedings its petition for reorganization (Petition for Order No. 74 at pp. 731-745 of the printed record). The petition prayed, among other things, that the Court take and exercise its jurisdiction over the property and affairs of Old Colony and make such orders and decrees as might be proper, necessary or incidental to such reorganization, and that meanwhile the Trustees of the Principal Debtor be authorized and directed to operate until further order the property of Old Colony for its account.

3. By Order No. 74 in these proceedings this Court approved the said petition of Old Colony for reorganization herein; and by Order No. 75 in these proceedings this Court appointed Trustees of the properties of Old Colony and directed the Trustees of the Principal Debtor to operate the properties of Old Colony, such operation to be for the account of Old Colony or the Trustees of its property. Since that time said Trustees of the Principal Debtor have operated the properties of Old Colony and have from time to time advanced funds necessary to meet deficits incurred in operation; and said Trustees of the Principal Debtor assert the claim that said advances for such deficits [fol. 6] incurred in the operation of the properties of Old Colony are chargeable as a prior lien against said properties.

4. The petitioners are informed and believe and therefore aver that the Trustees of the Principal Debtor made or caused to be made certain preliminary studies of the operating results of the properties of Old Colony for the purpose of determining whether said lease was burdensome and should be rejected, and that upon the basis of said studies said Trustees concluded that Old Colony properties were being operated at substantial deficits and that such deficits were incurred in furnishing local passenger and commuting passenger service.

5. The petitioners herein constituting the Mutual Savings Bank Group Committee, after a consideration of these preliminary studies and of certain so-called segregation studies, requested, by letter dated January 19, 1937, that the Trustees make a further study and survey of Old Colony operating conditions to determine methods of effecting economies in the operation of Old Colony properties. Pursuant to this request and to similar requests made orally or in writing by various persons, including others of the petitioners, the Trustees made or caused to be made a study of Old Colony system operations, the results of which were embodied in a report dated September 3, 1937, prepared by officers and employees of the Trustees of the principal Debtor and entitled "Survey of Old Colony System Operations." This survey showed that substantial operating economies, estimated to amount annually to approximately $930,790 for the Old Colony and $187,711 for its leased line, Boston and Providence Railroad Corporation, or a total of $1,118,501 for the roads then constituting the Old Colony system, could be effected in the operation of Old Colony properties by means of certain changes in pas- [fol. 7] senger train operations involving the discontinuance and alteration of passenger service, all of which is set forth in detail in said Survey.

6. The petitioners are informed and believe and therefore aver that the Trustees of the Principal Debtor, in accordance with the recommendations contained in said Survey, on December 28, 1937, made application to the Department of Public Utilities of the Commonwealth of Massachusetts, pursuant to provisions of Massachusetts General Laws, Chapter 160, Section 128, for the written approval of said Department to the abandonment of eighty-eight local passenger stations; that the said Trustees fur-

ther seasonably advised the said Department of Public Utilities of time-tables proposed to be effective March 27, 1938, which contemplated the discontinuance of certain trains and certain rearrangements in train service; that thereupon the said Department of Public Utilities, on its own motion, entered into an investigation and ordered hearings which were combined with the hearings ordered by said Department on the petitions of the said Trustees relating to the abandonment of eighty-eight passenger stations; that hearings on these matters were begun before said Department on February 23, 1938, and have continued from time to time, approximately twenty such hearings having been had; and that such hearings may continue for a considerable period.

7. The petitioners are informed and believe and therefore aver that the jurisdiction of said Department of Public Utilities over the matter of discontinuing train service or rearrangement of train schedules (meaning thereby the number of trains operated and the fixing of the times of arrival and departure) exists under Massachusetts General Laws, Chapter 159, Section 16; and that the jurisdiction of [fol. 8] said Department of Public Utilities over the matter of discontinuing certain stops of passenger trains exists under Massachusetts General Laws, Chapter 160, Section 128. The petitioners are advised and believe and therefore aver that under the provisions of said sections a considerable discretion is vested in the Trustees with respect to discontinuing or rearranging train service at any time.

8. The Trustees of the Principal Debtor in a "Report of Administration of Property of Old Colony Railroad Company and of Providence, Warren & Bristol Railroad Company up to and including December 31, 1937," filed herein and dated April 19, 1938, contended that operating deficits of Old Colony (not including lease lines) for the period October 24, 1935 to December 31, 1937 amounted to $4,419,179 and that total charges against Old Colony for that period, including so-called intra-system debits and credits, amounted to $5,775,650; that for the same period with respect to the Boston & Providence Railroad Corporation (leased to Old Colony) operating deficits amounted to $1,896,981 and total charges claimed against Old Colony with respect to the Boston & Providence amounted to $5,461,451. In said report total charges asserted by the

Trustees of the Principal Debtor against Old Colony with respect to operations for the period October 24, 1935 to December 31, 1937 amounted to $11,394,522, including $157,421 for the Providence, Warren & Bristol Railroad Company. While figures have not been made available to your petitioners for the period subsequent to December 31, 1937, it is believed by your petitioners that charges for said period (which will eventually be asserted against Old Colony) computed on the formula adopted by the Trustees of the Principal Debtor, are continuing at a rate at least as great; and that other studies made or caused to be made by the Trustees [fol. 9] of the Principal Debtor, some of which are generally known as "Severance Studies," indicate that this loss is attributable to local passenger operations. The petitioners are informed and believe and therefore aver that the Trustees of the Principal Debtor have caused to be presented in evidence before the Department of Public Utilities an exhibit (numbered 108 before the Department), prepared from studies based in general on the application of the segregation method adopted by said Trustees, which indicates that whereas the net railway operating income (as defined by the Interstate Commerce Commission in its uniform system of accounting) of Old Colony Railroad Company (not including the Boston and Providence lines) from freight operations for the calendar year 1937 was $275,278.51, the net railway operating deficit (as so defined) from passenger operations on said lines for the same period was a loss of $2,636,140.80.

9. The petitioners are informed and believe and therefore aver that the facts alleged in paragraph 8 hereof indicate that the capital and assets of Old Colony are being consumed by unprofitable local passenger operations which, if continued upon their present basis, will (1) impair the ability of Old Colony to render service to the public which it serves in southeastern Massachusetts and Rhode Island, (2) confiscate the interests of the creditors and shareholders of Old Colony, (3) impede the carrying out of any reorganization of Old Colony; that an emergency exists and it is essential that every possible step be taken immediately to eliminate unnecessary operating losses and to effect every possible operating economy upon the lines of Old Colony and that such steps should not be further delayed; and that for the purpose of expediting the reorganization proceedings

now pending before this Court the present situation should be brought to the attention of the Court, to the end that the [fol. 10] Trustees of Old Colony and of the Principal Debtor shall be directed by the Court to effect economies and to decrease operating losses.

10. The petitioners are informed and believe and therefore aver that substantial savings in the cost of operation can be effected by the prompt discontinuance of trains and by a rearrangement of train service as proposed in said time tables of March 27, 1938, or in some other suitable manner; that many elements of present conditions affecting the operation of local passenger service as presently operated on the lines of Old Colony are not merely temporary but are such that there is no reasonable prospect of an early change, and that such operation is consuming the corpus of the estate and is confiscatory.

Wherefore your petitioners respectfully pray:

(1) That this Court issue an order of notice directing (a) that the Trustees of the Principal Debtor and of Old Colony shall file with this Court on or before a date designated in said Order of Notice a full statement of their recommendations as to the changes and modifications in the passenger service now rendered on the lines of Old Colony, and as to any other operating economies on said lines, which said Trustees believe can and should be presently put into effect in the interest of preserving the assets of the estate of Old Colony and its ability to serve the best interests of the public, (b) that copies of said Order of Notice and of this petition be served upon all parties to this proceeding and also upon the Attorney General of The Commonwealth of Massachusetts, and the Department of Public Utilities in said Commonwealth; and (c) that a date be set for a hearing upon this petition.

[fol. 11] (2) That this Court direct said Trustees to take all such steps, as after hearings shall to this Court appear to be desirable and proper, to effect economies in the operation of the railroads of Old Colony.

(3) That this Court grant such other and further relief as in the premises may be just and equitable.

Dated, June 20, 1938.

Myron F. Converse, Theron A. Apollonio, John W. B. Brand, Robert C. Glazier, Charles F. Mann,

Thomas W. Murray, Charles A. Post, George H. Woods, as They Constitute the Mutual Savings Bank Group Committee on New Haven Railroad Bonds, by Myron F. Converse, Chairman. G. Peabody Gardner, Jr., William Dexter, E. Sheldon Stewart, Eugene S. Taliaferro, Alexander Whiteside, as They Constitute the Protective Committee of the Shareholders of Old Colony Railroad Company, by Eugene S. Taliaferro, Vice-Chairman. Old Colony Railroad Company, by Oscar M. Shaw, Its Attorney. Fred N. Oliver, Willard P. Scott, [fol. 12] Solicitors for Mutual Savings Bank Group Committee on New Haven Railroad Bonds, 110 East 42nd Street, New York, New York. Robert G. Dodge, R. Ammi Cutter, Solicitors for Protective Committee of the Shareholders of Old Colony Railroad Company, 53 State Street, Boston, Massachusetts. Charles A. Coolidge, Jr., Oscar M. Shaw, Solicitors for Old Colony Railroad Company, 50 Federal Street, Boston, Massachusetts.

(Verification omitted in printing.)

[fol. 13] In United States District Court

[Title omitted]

Order of Notice on Petition for Order Directing the Trustees of the Principal Debtor and of Old Colony Railroad Company to Effect Certain Operating Economies on the Old Colony Lines

Upon reading the joint petition of the Mutual Savings Bank Group Committee on New Haven Railroad bonds, the Protective Committee of the Shareholders of Old Colony Railroad Company, and Old Colony Railroad Company for an order directing the Trustees of the property of the Principal Debtor and of Old Colony Railroad Company to effect certain operating economies on Old Colony lines, it is Ordered:

1. That the Trustees of the property of the Principal Debtor and of Old Colony Railroad Company be and they hereby are directed to file with this Court on or before June

27th, 1938, a statement of their recommendations as to the changes and modifications in the passenger service now rendered on the Old Colony lines and as to any other operating economies on said lines which said Trustees believe can [fol. 14] and should be presently put into effect in the interest of preserving the assets of the estate of Old Colony and its ability to serve the best interests of the public.

2. That the petitioners be and they hereby are directed to give notice of the filing of said petition by causing to be mailed or otherwise served copies of said petition and of this order to all parties who have been permitted to intervene generally herein or to their attorneys, to all others who are customarily notified of hearings in these proceedings, and also to the Attorney General of the Commonwealth of Massachusetts and the Department of Public Utilities of said Commonwealth on or before June 27th, 1938.

3. That said petition be and it hereby is set down for hearing at New Haven on July 7th, 1938 at 2:00 P. M., Daylight Saving Time, at which time and place all persons receiving notice of the foregoing petition may appear before this Court to show cause if any they have why the relief prayed for in said petition should not be granted.

Enter:

C. C. Hincks, District Judge.

Dated, June 20, 1938.

[fol. 15] IN UNITED STATES DISTRICT COURT

[Title omitted]

ANSWER OF TRUSTEES OF PRINCIPAL DEBTOR AND OF OLD COLONY RAILROAD COMPANY TO PETITION OF MUTUAL SAVINGS BANK GROUP COMMITTEE ON NEW HAVEN RAILROAD BONDS, THE PROTECTIVE COMMITTEE OF SHAREHOLDERS OF OLD COLONY RAILROAD COMPANY AND OF OLD COLONY RAILROAD COMPANY TO EFFECT CERTAIN OPERATING ECONOMIES ON OLD COLONY LINES

Now come Howard S. Palmer and Henry B. Sawyer, two of the three Trustees of the property of the Principal

Debtor herein and of the property of Old Colony Railroad Company, Debtor, and for their answer to the petition of the Mutual Savings Bank Group Committee on New Haven Railroad Bonds, the Protective Committee of the Shareholders of Old Colony Railroad Company, and Old Colony Railroad Company for Order No. 289 respectfully show:

1. They admit the allegations contained in said petition.

[fol. 16] 2. Further answering said petition, the Trustees of the Principal Debtor allege that

(a) in addition to the studies referred to in paragraphs 4 and 5 of said petition, they caused, among others, studies to be made of the operating results of local passenger service to and from Boston on lines of the Principal Debtor which are subject to the lien of the New England Railroad Company Consolidated Mortgage (said lines are hereinafter referred to as New England) located in the Commonwealth of Massachusetts which showed that such service was being operated at a substantial loss.

(b) the losses resulting from the operation of such service on New England amount to approximately $337,190 per year,

(c) of the 88 stations referred to in paragraph 6 of said petition, twenty-five are located on New England within the Commonwealth of Massachusetts,

(d) the local passenger trains operated on New England and the lines of Old Colony use the same terminal in Boston, many of the passenger train and engine crews and much of the passenger equipment operate in part over the lines of both Old Colony and New England,

(e) the schedules of such passenger service in Massachusetts over the lines of Old Colony and New England are so interrelated and the efficient use of crews and equipment so interwoven as between the several lines that the economies proposed on the lines of Old Colony may not fully be accomplished unless the proposed economies and reduction of operating losses in local passenger service are made effective on the lines of New England at the same time that the proposed economies and reductions are made effective on the lines of Old Colony,

[fol. 17] 3. The Trustees of the Principal Debtor further allege that

(a) annual savings in excess of $783,919 can be effected on the lines of Old Colony and of New England, including Old Colony's leased line, Boston and Providence Railroad, by operating said service substantially in accordance with the schedules hereinafter referred to, and additional annual savings in excess of $229,502 can be effected by other economies made possible by such operation and by abandonment of lines, applications for which are pending before the Interstate Commerce Commission, the total annual savings amounting to more than $1,013,421.

(b) the total amount of such annual savings which may be made on the lines of Old Colony are in excess of $658,899, on the Boston and Providence in excess of $220,139 and on the New England in excess of $134,383,

4. The Trustees further allege that at the hearing before this Court on Petition for Order No. 217 there was introduced, as Exhibit 12, a forecast of the cash which the Trustees of the Principal Debtor would have available each month up to and including December 31, 1938. Such forecast showed that as of October 31, their working capital would be reduced to $113,000 and at the end of the year would be $1,006,000. The forecast was based upon the cost of operating all service as presently operated, including the local passenger service on the lines of Old Colony and of New England, and unless there is a marked upturn in traffic and a substantial increase in net revenue, their working capital in the last quarter of 1938 will be inadequate.

5. The Trustees of the Principal Debtor further allege that they have not put into effect the schedules herein- [fol. 18] after recommended for the reason that when the hearings referred to in paragraph 6 of Petition for Order No. 289 began, it was anticipated that said hearings could be completed and action taken by the Department of Public Utilities prior to March 27, 1938, the effective date of the proposed timetables. When it became obvious that this could not be done, they agreed, at the request of the Department of Public Utilities, to operate passenger service on the existing schedules until the hearings had been completed and action taken. At the time of said agreement,

hey anticipated that the hearings would then be concluded nd necessary orders entered by said department not later han June 1, 1938.

6. The Trustees further allege that in view of the emer- ency created by the prospective shortage of working cap- tal and in the interest of preserving the assets of the states of Old Colony and of the Principal Debtor and heir ability adequately to serve the interests of the public he operating economies hereinbefore referred to should be resently put into effect.

Wherefore, your Trustees recommend that changes and odifications in the passenger service now rendered on the nes of Old Colony and of New England be made by oper- ting said service substantially in accordance with the chedules annexed hereto, marked Exhibit "A" and made part hereof, thereby discontinuing certain trains pres- ntly being operated, rearranging the times of the depart- re and arrival of other trains and improving the service y discontinuing the stops of all passenger trains at the tations set forth in the statement annexed hereto, marked Exhibit "B" and made a part hereof, and they pray that roper proof be taken with reference to the issues raised y said petition and this answer and recommendation and fols. 19-20] that the Court make such disposition of said ssues as shall be just and equitable.

Dated, June 27, 1938.

Howard S. Palmer, James Lee Loomis and Henry B. Sawyer, Trustees of the Property of the Principal Debtor and of Old Colony Railroad Company, Debtor, by Howard S. Palmer, and Henry B. Sawyer, Two of the Three Trustees.

EXHIBIT A—SHEET 1

Eastern Standard Time

BOSTON TO PROVIDENCE

Miles		★803 Ex. Sun.	★531 Sun.	★7 Ex. Sun.	★561 Sun. only	851 Ex. Sun.	★805 Ex. Sun.	★175 Daily	★553 Ex. Sun.	807 Sun. only	★11 Daily	★563 Sun. only	★515 Ex. Sun.	★13 Daily	★177 Daily	★809 Ex. Sun.	★23 Ex. Sun.	★565 Sun. only	★555 Ex. Sun.
		A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	P.M.	P.M.	P.M.
0 0	Boston South Sta. Lv	5 30	6 00	6 80	7 00	7 15	7 40	8 00	8 50	8 50	9 00	9 00	10 30	11 00	11 00	11 25	12 00	12 00	12 15
	Back Bay	5 34	6 08	6 34	7 08	7 19	7 44	8 05	8 55	8 54	9 05	9 58	10 34	11 05	11 05	11 29	⊕N'ON	12h04	12 19
15 0	Canton Junction	5q57				7 42				8 51		9 50	10 51			11 46	◆		
18 1	Sharon	6 04		6 20			8 08		8 50	8 57		10 06	11 07			11 52	YANKEE	12120	
24 9	Mansfield	6 14		6 29	7 08	7 39	8 16		8 59	9 07		10 16	11 09			12 02	CLIPPER	12129	
31 9	Attleboro			6 38	7 13	7 48			9 06			10 06	11 22				◆	12133	12 43
39 3	Pawtucket and C. F.			6 46	7 23	7 48			9 18			10 18	11 36				12 54	12144	12 55
43 8	Providence Due			6 55	7 32	7 55			9 25		9 56	10 25	11 45				3 01	12155	1 03
106 0	New London				8 47			10 32			11 11			1 16	1 16		2 04		2h45
156 8	New Haven				9 52			11 28			12 14			2 20	2 20		3 01		
	New York Penna. Sta. 125th St. O. C. T. Due				11 40			1 15			1h49 2 00			3h49 4 00	4 12		4h20 4 30		
229 1		A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	P.M.	A.M.	A.M.	P.M.	A.M.	A.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.

		853 Sat. only	★517 Sat. only	★13 Daily	★811 Sat. only	871 Ex. Sun.	★21 Daily	★523 Ex. Sun.	★183 Daily	567 Sun. only	★557 Ex. Sun.	★527 Ex. Sat. & Sun.	★27 Ex. Sat.	★531 Sat. only	★529 Ex. Sat & Sun.	★35 Sun only
		P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.
Boston	South Sta. Lv	12h21	12h30	1 00	1h40	1 45	2 00	2 30	2h30	3 00	3120	3 10	3135	4h00	4h00	4105
	Back Bay	12h25	12h34	1 05	1h44	1 49	2 05	2 34	2h35	3 05	3123	3 33	3139	h4h04	4h04	4109
	Canton Junction	12s43				2 10							4100			
	Sharon		12s56				2s06				3140		4122			4140
	Mansfield		1s06				2s15				3146		4128			
	Attleboro		1s16								3158		4138			
	Pawtucket and C. F.		1s26								3208		4147			
	Providence Due		1s34				2 54		3A47		3215		4152			5105
	New London						4 11		5A06							6134
	New Haven						4 15		5A07							7138
	New York Penna. Sta. 125th St. O. C. T. Due						6s48 7 00		s7A39 7A50							s9109 9120
		P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.

		★813 Ex. Sat. & Sun.	855 Ex. Sat. & Sun.	857 Ex. Sun.	★815 Ex. Sun.	★25 Sun only	★29 Daily	821 Sun only	★533 Ex. Sun.	★31 Sun only	★559 Ex. Sun.	★525 Sun only	★173 Daily	★537 Sun only	★539 Ex. Sun.	★179 Daily	★181 Ex. Sun.	★819 Daily	★1 Sat only	5 Ex. Sat.
		P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	A.M.	P.M.
Boston	South Sta. Lv	4h06	4h17	4 40	4 50	4153	5 30	5110	5 15	6h00	6 30	7h00	8 00	8h35	8 35	9 15	10 00	10 45	11h00	11h45
	Back Bay	4h10	4h18	4 44	4 54	4159	5 34	5114	5 18	6h05	6 33	7h04	8 05	8h39	8 39	9 40	10 05	10 49	11h04	11h50
	Canton Junction		4h37	5 05				5132				7h21		8h57	9 05			11 07		
	Sharon	4133			5 15			5137				7h24		9h02	9a08			11 12		
	Mansfield	4143			5 25			5146				7h37		9h11	9a18			11 22		
	Attleboro											7h46		9h21	9a28					
	Pawtucket and C. F.											7h55		9h31	9a38					
	Providence Due					5151						8h03		9h40	9a58					
	New London					7h08								10 31						
	New Haven					8h17								11 45						
	New York Penna. Sta. 125th St. O. C. T. Due					9153		10s04						9 00						
		P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	A.M.	P.M.

★ Regularly assigned cars AIR-CONDITIONED.
O Will not run Sept. 4.
◉ Will not run Sept. 5.
▲ Runs only on Sept. 5.
◆ Runs Monday, Sept. 5, instead of Sunday, Sept. 4.
‡ Daily except Saturdays.
† Daily except Saturdays and Sundays.
‖ Daily except Sundays.
§ Sundays only.
△ Has Parker Car.
□□ Has Dining Car.
△△ Has Meal Service.
a Due Mansfield 9 13 P.M., Attleboro 9 28 P.M., Pawtucket and C. F. 9 48 P.M.
b By connecting train Saturdays only.
f Stops to leave.
g Stops to take.
q Due Canton Jct. 5 88 A.M.
s Saturdays only.
s Due Attleboro 6 06 P.M., Pawtucket and C. F. 6 24 P.M.

◆ Extra Fare Train, limited in its equipment and will receive passengers only to the extent of its seating capacity. Special form of ticket required.

PROVIDENCE TO BOSTON

Miles from Providence		★2 Sat. only	4 Ex. Sat.	★500 Ex. Sun.	32 Sat. only	★172 Daily	852 Ex. Sun.	★504 Ex. Sun.	★178 Daily		854 Ex. Sun.	★506 Ex. Sun.
		P.M.	P.M.	A.M.	P.M.	A.M.	A.M.	A.M.	A.M.		A.M.	A.M.
	New York G. C. T. Lv 125th St. Penna. Sta.	11s30	11445	.....	11s45	12 45	.....	.....	1 55		.....	.....
	New Haven	1125	2100	.....	1150	2 50	.....	.....	3 48		.....	.....
	New London	2140	3115	.....	3107	4 00	.....	.....	4 58		.....	.....
0 0	Providence Lv	4105	4148	4 50	5100	5 40	.....	6 08	6 25		.....	6 50
4 5	Pawtucket and C. F.			5 05	5112		.....	6 18			.....	6 59
11 9	Attleboro			5 28	5127		.....	6 30			.....	7 08
18 9	Mansfield			5 33	5138		.....	6 40			.....	7 17
25 7	Sharon			5 44	5152		.....	6 50			.....	7 26
28 8	Canton Junction			5 50	5158		6 48					
	Boston Back Bay	5110	5145	6 10	6120	6 40	7 08	7 11	7 20		7A26	7 43
43 8	South Sta. Due	5115	5150	6 15	6125	6 45	7 13	7 16	7 25		7A31	7 48
		A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.		A.M.	A.M.

		★812 Daily	★8 Daily	868 Ex. Sun.	★516 Ex. Sun.	★10 Daily	★564 Sun. only	★554 Ex. Sun.	★814 Ex. Sun.	★14 Daily	★22 Ex. Sun.
		A.M.	A.M.	P.M.	P.M.	A.M.	P.M.	P.M.	P.M.	A.M.	P.M.
	New York G. C. T. Lv 125th St. Penna. Sta.	.....	7 30	.....	.....	9 00	.....	.....	.....	11 00	.....
		.....	7h41	.....	.....	9h10	.....	.....	.....	11h10	.....
	New Haven	.....	9 15	.....	.....	10 48	.....	.....	.....	12 40	1 27
	New London	.....	10 22	.....	.....	11 50	.....	.....	.....	1 44	2 24
	Providence Lv	.....	11 43	.....	12 40	1 03	2100	2 10	.....	3 03	3 33
	Pawtucket and C. F.	.....	△△	.....	12 50	△△	2107	2 17	.....	△△	□□
	Attleboro	.....		.....	1 09	□□	2117	2 27	.....	□□	
	Mansfield	11 39			1 20		2125		12		
	Sharon	11 48			1 31		2135		22		
	Canton Junction	11 53		12 28	1 36				27		
	Boston Back Bay	12 10	12 35	12 30	1 43	1 53	2152	3 17	3 44	3 55	4 43
	South Sta. Due	12 15	12 40	12 35	1 48	2 00	2155	3 18	3 50	4 00	4 48
		P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.

		★20 Daily	‖	★24 Ex. Sun.	★26 Ex. Sat.	★178 Daily	★558 Ex. Sun.		★30 Fri. only	★28 Daily
		P.M.	P.M.	P.M.	P.M.	P.M.	P.M.		P.M.	P.M.
	New York G. C. T. Lv 125th St. Penna. Sta.	2 00 dd	2▼55	3 00	4400	4 00	.....		4▼45	4950
	New Haven	3 40	4▼35	4 40	5427	5 44	.....		5▼25	6920
	New London	4 44	5▼30	5 47		6 44	.....		6▼25	7933
	Providence Lv	6 03	6▼50	7 08	7433	8 03	.....		8▼45	8950
	Pawtucket and C. F.	△△		△△	□□	△△	.....			△△
	Attleboro	□□		□□			.....			□□
	Mansfield						.....			
	Sharon						.....			
	Canton Junction						.....			
	Boston Back Bay	6 53	7▼45	8 00	‡8428	8 53	.....		9▼35	9945
	South Sta. Due	7 00	7▼50	8 05	8430	9 00	.....		9▼40	9950
		P.M.	P.M.	P.M.	P.M.	P.M.	P.M.		P.M.	P.M.

★ Regularly assigned cars AIR-CONDITIONED.
O Will not run Sept. 4.
◉ Will not run Sept. 5.
◆ Runs only on Sept. 5.
▲ Runs only on Sept. 2.
% Also runs Sept. 5.
‡ Daily except Sundays.
† Daily except Saturdays.
‖ Sundays only.
◆ Fridays only.
△ Has Parker Car.
□□ Has Dining Car.
●● Has Grill Car, Mondays only except Sept. 5. Has Dining Car, Sept. 6 only.
△△ Has Meal Service.

◆ Extra Fare Train, limited in its equipment and will receive passengers only to the extent of its se

PROVIDENCE TO BOSTON

Miles from Providence		★2 Sat. only	4 Ex. Sat.	★500 Ex. Sun.	32 Sat. only	★172 Daily	852 Ex. Sun.	★504 Ex. Sun.	★178 Daily		854 Ex. Sun.	★506 Ex. Sun.	★550 Ex. Sun.	★560 Sun. only	★508 Ex. Sun.	808 Sun. only	810 Ex. Sun.	★510 Daily	★552 Ex. Sun.	★562 Sun only
		P.M.	P.M.	A.M.	P.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.
	New York O. C. T. Lv 125th St. Penna Sta.	11♦30	11♦45		11♦45															
	New Haven	1♦25	2♦00		1♦50	12 45			1 55											
	New London	2♦40	3♦15		3♦07	2 50			3 48											
0 0	Providence Lv	4♦05	4♦48	4 50	5♦00	4 00			4 58						8n45					
4 5	Pawtucket and C. F.			5 05	5♦19	5 40		6 08	6 25			6 50	7 30	8♦00	8 00		9 15	10 00	11♦00	
11 9	Attleboro			5 23	5♦27			6 18				6 59	7 37	8♦07	8 09		9 23	10 07	11♦07	
18 9	Mansfield			5♦33	5♦38			6 30				7 08		8♦17	8 20		9 33	10 17	11♦17	
25 7	Sharon			5 44	5♦52			6 40				7 17		8♦26	8 29		9 42	10 26	11♦26	
28 8	Canton Junction			5 50	5♦58			6 50				7 26		8♦35	8 39		9 52	10 35	11♦35	
															8 44	8♦58	9 58			
45 6	**Boston** Back Bay	5♦10	5♦45	6 10	6♦20	6 40	7 08	7 11	7 20		7 43	7 47	8 11	8♦59	9 00	9♦10	9 27	10 15	10 52	11♦52
	South Sta. Due	5♦15	5♦50	6 15	6♦25	6 45	7 13	7 16	7 25		7 48	7 52	8 14	8♦65	9 05	9♦15	9 32	10 20	10 55	11♦55
		A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.

Miles from Providence		★812 Daily	★8 Daily	868 Ex. Sun.	★516 Ex. Sun.	★10 Daily	★564 Sun. only	★534 Ex. Sun	★814 Ex. Sun.	★14 Daily		★22 ♦Ex. Sun.	★518 Sun. only	★34 Sat. only	★174 Daily	★556 Daily	★818 Ex. Sun.	★816 Sun. only	
		A.M.	A.M.	P.M.	P.M.	A.M.	P.M.	P.M.	P.M.	A.M.		⊕N'ON	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.
	New York O. C. T. Lv 125th St. Penna Sta.		7 30			9 00				11 00		12 00		12♦02					
			7♭41			9♭10				11♭10					12 20				
	New Haven			9.15		8♦56									1♦37				
	New London			10 22		10 48				12 40					2♦55				
	Providence Lv		11 43		12 40	11 50				1 44					4♦18				
	Pawtucket and C. F.				12 49	1 03				3 03									
	Attleboro				12 59														
	Mansfield		11 39		1 09														
	Sharon		11 48		1 22														
	Canton Junction		11 53	12 28	1 26														
	Boston Back Bay		12 10	12 35	1 43	1 55													
	South Sta. Due		12 15	12 40	1 48	2 00													
			P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.		P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.

Miles from Providence		★20 Daily	‡‡	★24 Ex. Sun.	★26 Ex. Sat.	★176 Daily	★538 Ex. Sun.		★30 Fri. only	★28 Daily	★524 Daily	850 Ex. Sun.							
		P.M.	P.M.	P.M.	⊙P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.							
	NewYork C. C. T. Lv 125th St. Penna. Sta.	2 00 dd	2▼55	3 00	4400			4▼45	4♦50	5 00									
	New Haven	3 40	4▼35	4 40				6▼25	6♦28	6 40									
	New London	4 44	5▼30	5 47	5427	4 00		7▼25	7♦33	7 45									
	Providence	6 03	6▼50	7 08	7433	5 44		8▼45	8♦50	9 08									
	Pawtucket and C. F.					6 03	30												
	Attleboro					6 17													
	Mansfield																		
	Sharon																		
	Canton Junction																		
	Boston Back Bay	6 55	7▼45	8 00		6 55	9 22	9▼35	9♦45	10 00									
	South Sta. Due	7 00	7▼50	8 05		7 00	9 27	9▼40	9♦50	10 05									
		P.M.	P.M.	P.M.		P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.							

★ Regularly assigned cars AIR-CONDITIONED.
○ Will not run Sept. 4.
◐ Will not run Sept. 5.
◆ Runs only on Sept. 5.
▼ Runs only on Sept. 2.
% Also runs Sept. 5.
† Daily except Sundays.
‡ Daily except Saturdays.
‖ Sundays only.
§ Fridays only.
‡‡ Has Parlor Car.
□□ Has Dining Car.
●● Has Grill Car. Mondays only except Sept. 5. Has Dining Car, Sept. 6 only.
△△ Has Mail Service.

♦ Extra Fare Train, limited in its equipment and will receive passengers only to the extent of its seating capacity. Special form of ticket required

b By connecting train Saturdays only.
f Stops to leave.
t Stops to take.
q Due Canton Jct. 5 52 A.M.
s Saturdays only.
x Due Attleboro 6 06 P.M., Pawtucket and C. F. 6 24 P.M.
n No connection Sept. 5.
v No baggage checked to (or from) this station on this train.
dd Stops Sundays only "to take" at 125th St. 2 10 P.M.

Eastern Standard Time

BOSTON TO BLACKSTONE

Miles		★133 Sun. only	★131 Ex. Sun.	917 Sat. only	921 Ex. Sun	925 Ex. Sat. & Sun.	★137 Ex. Sun.	★135 Sun. only	927 Ex. Sat.
		A.M.	A.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.
0.0	Boston South Station Lv.	8 15	8 15	12 24	3 10	4 30	5 05	5 20	8 45
	Boston Back Bay	8 19	8 19	12 28	3 14	4 34	5 09	5 24	8 49
9.6	Readville			12 43	3 30				
11.0	Endicott			12 48	3 34	4 50	5 25		9 06
12.6	Islington			12 53	3 37	4 55			9 11
14.4	Norwood			12 58	3 43	5 00			9 16
15.0	Norwood Central	8 37	8 36	12 56	3 43	4 59	5 31	5 42	9 17
19.5	Walpole	8 44	8 44	1 03	3 51	5 06	5 38	7 5 49	9 24
22.2	Norfolk, Mass		8 50	1 09	3 57	5 12	5 44		9 30
27.6	Franklin	8 55	8 58	1 19	4 04	5 19	5 50	6 00	9 37
36.6	Blackstone Due	9 07	9 10	1 27	4 15	5 30	6 03	6 12	9 48
61.4	Putnam	9 40	9 46				6 38	6 45	
85.9	Willimantic	10 16	10 25				7 19	7 21	
117.6	Hartford Due	11 05	11 15				8 13	8 10	
148.5	Waterbury, Conn. Due	12 00	12 25				9 15	9 05	
		N'ON	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.

BLACKSTONE TO BOSTON

Miles from Hartford		910 Ex. Sun.	918 Ex. Sun.	920 Ex. Sun	★130 Ex. Sun.	★132 Sun. only	★136 Ex. Sun.	★134 Sun only
		A.M.	A.M.	A.M.	A.M.	A.M.	P.M.	P.M.
	Waterbury, Conn. Lv.				7 e10	7 50	3 45	4 25
0.0	Hartford Lv.				8 15	8 15	5 10	5 20
31.6	Willimantic				9 05	9 03	6 01	6 10
56.1	Putnam				9 49	9 42	6 41	6 47
80.9	Blackstone Lv.	5 41	6 02	6 50	10 22	10 18	7 16	7 18
89.9	Franklin	5 57	6 14	6 42	10 34	10 25	7 28	7 30
94.8	Norfolk, Mass	6 05	6 20	6 48	10 40			
98.2	Walpole	6 09	6 26	6 54	10 46	f10 36	7 40	7 40
103.8	Norwood Central	6 16	6 33	7 01	10 53	10 43	7 47	7 47
103.1	Norwood, Mass	6 18	6 35	7 03				
104.9	Islington	6 22	6 39					
106.5	Endicott	6 25	6 42	7 08				
107.9	Readville Due		6 46					
117.9	Boston Back Bay Due	6 48	7 02	7 28	11 12	11 00	8 05	8 05
	Boston South Station Due	6 48	7 07	7 28	11 17	11 05	8 10	8 10
		A.M.	A.M.	A.M.	A.M.	A.M.	P.M.	P.M.

★ Regularly assigned cars AIR-CONDITIONED.

d Daily except Saturdays.

‡ Daily except Saturdays and Sundays

§ Sundays only.

e By connecting train.

f Stops on signal.

s Saturdays only.

BOSTON TO DEDHAM—NEEDHAM

Miles		929 Ex. Sun.	923 Sat only	949 Ex. Sat. & Sun.	905 Sat. only	937 Sat. only	269 Sat. only	973 Ex. Sun.	917 Ex. Sat. & Sun.	951 Ex. Sun.	977 Ex. Sat. & Sun.	939 Ex. Sat. & Sun.	953 Ex. Sun.	979 Ex. Sat. & Sun.	941 Ex. Sun.	955 Ex. Sun.
		A.M.	A.M.	A.M.	A.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.
0.0	Boston South Station Lv.	7 25	11 20	11 35	11 40	12 18	2 40	2 50	3 15	3 45	4 00	4 20	4 28	4 45	5 10	5 40
	Boston Back Bay	7 29	11 24	11 39	11 44	12 22	2 44	2 54	3 19	3 49	4 04	4 24	4 32	4 49	5 14	5 44
6.4	Roslindale	7 40	11 35	11 50	11 55	12 33	2 55	3 05	3 30	4 00	4 15		4 43	5 00	5 25	5 55
7.2	Bellevue		11 37	11 52	11 57	12 35	2 57	3 08	3 32	4 02	4 17		4 45	5 02	5 27	5 57
7.7	Highland		11 39	11 54	11 59	12 37	2 59	3 10	3 34	4 04	4 19		4 47	5 04	5 29	5 59
8.1	West Roxbury Due	7 44	11 41	11 56	12 01	12 40	3 01	3 13	3 36	4 06	4 21	4 40	4 49	5 06	5 31	6 01
10.5	Dedham				12 05		3 05	3 18			4 25		4 53	5 11		
10.9	Stone Haven				12 08		3 08	3 20			4 28		4 56	5 14		
11.8	East Dedham Due				12 10		3 10	3 22			4 30		4 58	5 16		
11.0	Bird's Hill	7 51	11 47	12 02		12 46			3 42	4 12		4 44			5 38	6 07
12.1	Needham Junction	7 55	11 50	12 05		12 49			3 45	4 15		4 47			5 41	6 10
12.8	Needham	7 58	11 53	12 08		12 52			3 48	4 18		4 50			5 44	6 13
.7	Needham Heights Due	8 01	11 56	12 11		12 55			3 51	4 21		4 54			5 48	6 16
		A.M.	A.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.

NEEDHAM—DEDHAM TO BOSTON

Miles	Miles		926 Ex. Sun.	954 Ex. Sun.	914 Ex. Sun.	928 Sat. only	970 Ex. Sun.	938 Ex. Sun.	958 Ex. Sun	940 Ex. Sun.	944 Ex. Sat. & Sun.	960 Ex. Sun.
			A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	P.M.	P.M.
0.0	....	Needham Heights Lv.	6 39	....	6 44	6 50	....	7 18	....	8 09	12 25	6 28
0.9	....	Needham	6 42	....	6 47	7 02	....	7 16	....	8 12	12 28	6 31
1.6	....	Needham Jct.	6 09	....	6 50	7 06	....	7 20	....	8 16	12 32	6 35
2.7	....	Bird's Hill	6 09	....	6 53	7 09	....	7 23	....	8 19	12 35	6 38
....	0.0	East Dedham Lv.	....	6 40	....	....	7 10	....	7 55	....	....	....
....	0.4	Stone Haven	....	6 42	....	....	7 12	....	7 57	....	....	....
....	0.8	Dedham	....	6 44	....	....	7 14	....	7 59	....	....	....
0.0	3.3	West Roxbury Lv.	6 14	6 49	6 50	7 14	7 10	7 39	7 54	8 34	12 40	6 41
0.0	2.9	Highland	6 16	6 51	7 01	7 16	7 21	7 40	7 56	8 36	12 42	6 43
0.0	4.1	Bellevue	6 18	6 53	7 03	7 18	7 23	7 42	7 58	8 38	12 44	6 45

Miles			★133 Sun. only	★131 Ex. Sun.	917 Sat. only	921 Ex. Sun.	925 Ex. Sat. & Sun.	★137 Ex. Sun.	★135 Sun. only	927 Ex. Sat.
			A.M.	A.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.
0.0	**Boston** South Station	Lv.	8 15	8 15	2 24	3 10	4 30	5 03	5 20	5 45
....	**Boston** Back Bay		8 19	8 19	2 28	3 14	4 34	5 08	5 24	5 49
9.6	Readville		....	....	2 43	3 30	....	....	....	....
11.0	Endicott		....	....	2 47	3 33	4 50	5 25	....	6 05
12.6	Islington		....	....	2 50	3 37	4 53	....	....	6 11
14.4	Norwood		....	....	2 54	3 41	4 57	....	....	6 15
15.0	Norwood Central		8 37	8 36	2 56	3 43	4 59	5 31	5 42	6 17
19.8	Walpole		8 44	8 44	3 03	3 51	5 06	5 38	5 48	6 24
22.2	Norfolk, Mass		....	8 50	3 08	3 57	5 12	5 44	....	6 30
27.6	Franklin		8 55	8 58	3 18	4 04	5 22	5 50	6 00	6 37
28.6	Blackstone	Due	9 07	9 10	3 27	4 13	5 30	6 01	6 12	6 48
61.4	Putnam		9 40	9 45	....	....	....	6 38	6 45	....
69.9	Willimantic		10 18	10 25	....	....	....	7 15	7 21	....
117.6	Hartford	Due	11 05	11 15	....	....	....	8 15	8 10	....
149.5	Waterbury, Conn.	Due	12 00	12 25	....	....	....	9 15	9 05	....
			P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.

BLACKSTONE TO BOSTON

Miles from Hartford			916 Ex. Sun.	918 Ex. Sun.	920 Ex. Sun.	★120 Ex. Sun.	★132 Sun. only	★136 Ex. Sun.	★134 Sun. only
			A.M.	A.M.	A.M.	A.M.	A.M.	P.M.	P.M.
	Waterbury, Conn.	Lv.	....	....	....	7 10	7 30	3 45	4 25
0.0	Hartford	Lv.	....	....	....	8 15	8 15	5 10	5 50
31.9	Willimantic		....	....	....	9 05	9 08	6 01	6 40
68.1	Putnam		....	....	....	9 40	9 42	6 41	7 19
80.6	Blackstone	Lv.	5 45	6 05	6 50	10 22	10 18	7 18	7 58
89.9	Franklin		5 57	6 14	6 42	10 34	10 30	7 29	8 10
94.8	Norfolk, Mass		6 03	6 20	6 48	10 40	....	....	....
98.2	Walpole		6 09	6 26	6 54	10 46	f10 36	7 40	7 40
103.8	Norwood Central		6 16	6 33	7 01	10 53	10 43	7 47	7 47
103.1	Norwood, Mass		6 18	6 35	7 03	....	....	....	....
104.9	Islington		6 23	6 39	....	....	....	....	....
106.6	Endicott		6 26	6 42	7 08	....	....	....	....
107.9	Readville	Due	....	6 46	....	....	....	....	....
	Boston Back Bay		6 48	7 02	7 28	11 19	11 00	8 02	8 05
117.6	**Boston** South Station	Due	6 48	7 07	7 28	11 17	11 00	8 10	8 10
			A.M.	A.M.	A.M.	A.M.	A.M.	P.M.	P.M.

★ Regularly assigned cars AIR-CONDITIONED.

‡ Daily except Saturdays.

‡ Daily except Saturdays and Sundays

‖ Sundays only.

c By connecting train.

f Stops on signal.

s Saturdays only.

BOSTON TO DEDHAM—NEEDHAM

Miles			929 Ex. Sun.	923 Sat. only	949 Ex. Sat. & Sun.	965 Sat. only	957 Sat. only	969 Sat. only	973 Ex. Sun.	937 Ex. Sat. & Sun.	951 Ex. Sun.	977 Ex. Sat. & Sun.	939 Ex. Sat. & Sun.	953 Ex. Sun.	979 Ex. Sat. & Sun.	941 Ex. Sun.	955 Ex. Sun.
			A.M.	A.M.	A.M.	A.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.
0.0	**Boston** South Station	Lv.	7 35	11 20	11 35	11 40	12 18	2 40	2 50	3 13	3 45	4 00	4 20	4 28	4 43	5 10	5 40
....	**Boston** Back Bay		7 39	11 24	11 39	11 44	12 22	2 44	2 54	3 17	3 49	4 04	4 24	4 32	4 47	5 14	5 44
6.4	Readdale		7 40	11 35	11 50	11 55	12 33	2 55	3 05	3 28	4 00	4 15	....	4 43	4 58	5 25	5 55
7.2	Bellevue		....	11 37	11 52	11 57	12 35	2 57	3 07	3 30	4 02	4 17	....	4 45	5 00	5 27	5 57
7.7	Highland		....	11 39	11 54	11 59	12 37	2 59	3 09	3 32	4 04	4 19	....	4 47	5 02	5 29	5 59
8.1	West Roxbury	Due	7 44	11 41	11 56	12 01	12 40	3 01	3 11	3 34	4 06	4 21	4 36	4 49	5 04	5 31	6 01
10.6	Dedham		....	....	....	12 04	....	3 04	....	....	....	....	4 40	....	4 55	....	....
10.9	Stone Haven		....	....	....	12 06	....	3 06	....	....	....	....	4 42	....	4 57	....	....
11.8	East Dedham	Due	....	....	....	12 10	....	3 10	....	....	....	....	4 46	....	5 01	....	....
11.0	Bird's Hill		7 51	11 47	12 02	....	12 48	....	3 19	3 42	4 14	....	4 44	....	5 09	5 39	6 07
13.1	Needham Junction		7 55	11 50	12 06	....	12 52	....	....	3 45	4 18	....	4 48	....	5 12	5 42	6 10
13.5	Needham		7 58	11 53	12 09	....	12 54	....	....	3 48	4 20	....	4 51	....	5 15	5 45	6 13
.7	Needham Heights	Due	8 01	11 56	12 11	....	12 56	....	....	3 51	4 21	....	4 54	....	5 18	5 48	6 16
			A.M.	A.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.

NEEDHAM—DEDHAM TO BOSTON

Miles	Miles		920 Ex. Sun.	934 Ex. Sun.	914 Ex. Sun.	928 Ex. Sun.	970 Ex. Sun.	938 Ex. Sun.	958 Ex. Sun.	940 Ex. Sun.	944 Ex. Sat. & Sun.	980 Ex. Sun.
			A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	P.M.	P.M.
0.0	....	Needham Heights Lv.	6 56	....	6 44	6 50	....	7 18	....	8 06	12 25	3 26
0.9	....	Needham	6 58	....	6 47	7 03	....	7 16	....	8 13	12 28	3 43
1.9	....	Needham Jct.	6 06	....	6 50	7 06	....	7 20	....	8 16	12 31	3 46
2.7	....	Bird's Hill	6 09	....	6 53	7 09	....	7 23	....	8 19	12 34	3 49
....	0.0	East Dedham Lv.	....	6 40	....	....	7 10	....	7 55	....	....	....
....	0.4	Stone Haven	....	6 42	....	....	7 12	....	7 57	....	....	....
....	0.8	Dedham	....	6 44	....	....	7 14	....	7 59	....	....	....
5.6	5.8	West Roxbury Lv.	6 14	6 48	6 55	7 14	7 19	7 38	8 04	8 24	12 40	3 41
6.0	6.0	Highland	6 16	6 51	7 01	7 16	7 21	....	8 06	8 26	12 42	3 43
6.5	6.1	Bellevue	6 18	6 53	7 03	7 18	7 23	....	8 08	8 28	12 44	3 45
7.3	6.9	Readdale	6 20	6 55	7 05	7 20	7 25	....	8 10	8 30	12 46	3 47
....	....	**Boston** Back Bay Due	6 30	7 05	7 15	7 30	7 35	7 40	8 20	8 40	12 56	3 57
10.7	11.0	**Boston** South Station Due	6 36	7 10	7 20	7 36	7 40	7 48	8 26	8 46	1 00	10 02
			A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	P.M.	P.M.

‡ Daily except Saturdays and Sundays.

s Saturdays only.

Eastern Standard Time

BOSTON AND NEW BEDFORD—FALL RIVER

Miles		★803 889 Ex. Sun.	★805 Ex. Sun.	Bus Ex. Sun.	★807 Sun. only	★809 ★891 Ex. Sun.	Bus Ex. Sun.	★811 Sat. only	Bus Sat. only	★813 ★897 Ex. Sat. & Sun.	★815 ★899 Ex. Sun.	Bus Ex. Sun.	★821 ★885 Sun. only	★819 Daily
		A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.
0.0	Boston South Station Lv.	5 30	7 40	7 40	8 30	11 25	11 c25	1 40	c1 40	4 05	4 50	4 c50	3 10	10 45
...	Back Bay	5 34	7 44	7 44	8 34	11 29	11 c29	1 44	c1 44	4 10	4 54	4 c54	3 14	10 49
16.0	Canton Jct.	5 57	...	...	8 51	11 46	11 c46	...	...	...	...	...	3 32	11 07
16.1	Sharon	6 04	8 06	8 06	8 57	11 52	11 c52	2 06	c2 06	4 33	5 16	5 c16	3 37	11 12
24.9	Mansfield	6 15	8 17	8 17	9 07	12 03	12 c03	2 15	c2 15	4 44	5 26	5 c26	3 47	11 22
26.8	Taunton Due	6 25	8 28	8 c28	9 24	12 20	12 c20	2 32	c2 32	5 03	5 43	5 c43	4 04	11 41
26.8	Taunton Lv.	6 26	8 28	...	9 24	12 20	...	2 32	...	5 03	5 43	...	4 04	11 41
42.0	Myricks Due	6 45	...	...	...	12 39	...	2 42	...	5 13	bb	...	4 14	...
42.0	Myricks Lv.	6 48	...	...	...	12 45	...	2 45	...	5 18	bb	...	4 19	...
56.0	New Bedford Due	7 07	9 08	...	9 50	1 00	...	3 03	...	5 37	6 11	...	4 33	12 07
56.8	New Bedford Wharf Due	7 20	...	...	...	1 00	...	...	...	...	6 20	...	4 45	12 20
...	Taunton Lv.	...	...	8 34	...	...	12 21	...	2 33	...	...	5 44	3 35	...
...	North Dighton Due	...	...	8 45	...	...	12 32	...	2 44	...	...	5 55	3 46	...
...	Segregansett	...	...	8 49	...	...	12 36	...	2 47	...	...	5 59	3 50	...
...	Dighton	...	...	8 51	...	...	12 38	...	2 50	...	...	6 01	...	...
...	Somerset	...	...	8 58	...	...	12 45	...	2 57	...	...	6 08	...	...
42.0	Myricks Lv.	6 58	...	...	...	12 37	...	...	...	5123	bb	...	6121	...
55.2	Fall River Due	7 08	...	9 14	...	12 52	1 01	...	3c13	5138	bb	6 24	6136	...
		A.M.	A.M.	A.M.	A.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	A.M.

FALL RIVER—NEW BEDFORD AND BOSTON

Miles	Miles		★802 ★804 Ex. Sun.	★806 Ex. Sun.	Bus Ex. Sun.	★808 ★890 Sun. only	894 ★810 Ex. Sun.	Bus Ex. Sun.	★812 Daily	★814 Ex. Sun.	Bus Sat. only	Bus Ex. Sat. & Sun.	Bus Ex. Sun.	Bus Sat. only	★898 ★816 Ex. Sun.	★888 ★816 Sun. only	★820 Sun. only
			A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.
0.0	...	Fall River Lv.	6 02	...	7 07	7 50	8 07	10 56	...	...	1 c50	2110	4 53	4 55	5120	...	...
10.7	...	Myricks Due	6 17	...	...	8 06	8 22	...	...	...	...	...	...	5 10	5135	...	...
...	...	Somerset	...	...	7 25	...	...	10 55	...	...	c2 06	c2 26	c5 06	...	...	...	...
...	...	Dighton	...	...	7 30	...	...	11 02	...	...	c2 13	c2 33	c5 13	...	...	...	...
...	...	Segregansett	...	...	7 33	...	...	11 05	...	...	c2 16	c2 36	c5 16	...	...	...	...
...	...	North Dighton	...	...	7 36	...	...	11 08	...	...	c2 19	c2 39	c5 19	...	...	...	...
18.9	...	Taunton Due	...	...	7 47	...	...	11 19	...	...	2 30	2150	5 30	...	...	...	...
...	0.0	New Bedford Wharf Lv.	...	...	...	7 40	...	...	10 45	...	...	...	...	4 33	5120	...	8135
...	0.8	New Bedford	6 09	7 25	...	7 50	8 07	...	10 55	2 25	...	...	...	4 43	5130	...	8150
...	14.8	Myricks Due	6 20	...	...	8 08	8 25	...	...	...	...	...	...	5 13	5138	...	...
...	14.8	Myricks Lv.	6 27	...	...	8 18	8 32	...	...	...	...	...	...	5 20	5145	...	...
...	21.0	Taunton Due	6 37	7 51	...	8 25	8 48	...	11 29	2 54	...	...	...	5 30	5157	...	9120
...	21.0	Taunton Lv.	6 41	7 51	7 51	8 25	8 48	11 c23	11 23	2 54	c2 54	c2 54	c5 38	5 38	5157	...	9120
...	31.9	Mansfield	...	...	...	...	8 59	11 c39	11 39	3 12	c3 12	c3 12	c5 55	5 56	6114	...	...
...	36.7	Sharon	...	...	...	...	...	11 c48	11 48	3 22	c3 22	c3 22	c6 07	6 07	6123	...	...
...	41.8	Canton Jct.	...	...	...	8 58	...	11 c53	11 53	3 28	c3 28	c3 28	c6 13	6 13	6128	...	...
33.7	56.8	Boston Back Bay	7 26	8 36	8 c36	9 10	9 27	12 c10	12 10	3 45	c3 45	c3 45	c6 32	6 32	6143	...	10104
		Due South Sta.	7 31	8 40	8 c40	9 15	9 32	12 c15	12 15	3 50	c3 50	c3 50	c6 37	6 37	6150	...	10110
			A.M.	A.M.	A.M.	A.M.	A.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.

★ Regularly assigned cars AIR-CONDITIONED.
‡ Daily except Saturdays and Sundays.
§ Sundays only.

c By connecting train.
s Saturdays only.
bb Stops Saturdays at Myricks, due 5 52 P.M., leave Myricks 5 58 P.M., due Fall River 6 13 P.M.

BOSTON TO NORTH EASTON

Miles		863 Ex. Sun.	851 Ex. Sun.	865 Ex. Sun.	867 Ex. Sun.	853 Sat. only	917 Daily	871 Ex. Sun.	881 Ex. Sun.	921 Ex. Sun.	927 Ex. Sat. & Sun.	873 Ex. Sat. & Sun.	875 Sat. only	855 Ex. Sat. & Sun.	857 Ex. Sun.	877 Ex. Sun.	879 Ex. Sun.	927 Ex. Sat.	881 Ex. Sun.		
		A.M.	A.M.	A.M.	A.M.	A.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.		
0.0	Boston South Station Lv.	5 c30	7 15	10 c30	11 c35	12 21	12 24	1 45	2 30	3 10	3 13	c3 13	c4 00	4 11	4 40	5 c18	6 c35	6 43	10 45	...	...
...	Back Bay	5 c34	7 19	10 c34	11 c39	12 25	12 28	1 49	2 34	3 14	3 17	c3 17	c4 04	4 15	4 44	5 c18	6 c39	6 47	10 49	...	...
6.4	Hyde Park	...	7 30	...	...	...	12 39	2 00	...	3 25	...	...	...	4 26	4 55	...	...	9 00	...	...	...
9.6	Readville	...	7 34	...	...	...	12 42	...	...	3 28	...	c3 42	...	4 30	4 59	...	...	...	...	...	...
16.0	Canton Jct. Due	6 c38	7 42	10 c51	11 c46	12 43	...	2 10	2 c52	...	3 38	c3 52	c4 20	4 39	5 05	5 c37	6 c58	...	11 07	...	...
16.0	Canton Jct. Lv	6 08	7 43	10 55	11 50	12 44	...	2 11	2 53	...	3 39	4 02	4 23	4 39	5 08	5 38	7 00	...	11 10	...	...
18.6	Canton, Mass.	6 08	7 45	10 57	11 52	12 46	...	2 13	2 55	...	3 41	4 04	4 25	4 40	5 08	5 40	7 02	...	11 12	...	...
18.9	Stoughton	6 15	7 51	11 08	11 58	12 52	...	2 19	3 01	...	3 47	4 10	4 31	4 46	5 14	5 46	7 08	...	11 18	...	...
23.7	North Easton Due	6 28	7 58	11 10	12 05	12 58	...	2 26	3 06	...	3 52	4 17	4 36	4 51	5 21	5 53	7 15	...	11 25	...	...
		A.M.	A.M.	A.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.		

NORTH EASTON TO BOSTON

Miles		500 Ex. Sun.	860 Ex. Sun.	916 Ex. Sun.	918 Ex. Sun.	852 Ex. Sun.	854 Ex. Sun.	862 Ex. Sun.	884 Ex. Sun.	866 Ex. Sun.	868 Ex. Sun.	870 Ex. Sun.	872 Ex. Sun.	876 Ex. Sun.	878 Ex. Sun.	830 Ex. Sun.					
		A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.					
0.0	North Easton Lv.	...	5 50	...	...	6 35	7 25	8 36	9 40	11 30	12 13	2 10	3 12	3 53	5 31	11 30	...	...	...	...	...
5.8	Stoughton	...	5 57	...	...	6 39	7 14	8 38	9 47	11 37	12 18	2 17	3 19	4 02	5 38	11 38	...	...	...	...	...
7.1	Canton, Mass.	...	5 48	...	...	6 45	7 20	8 39	9 58	11 43	12 23	2 40	3 25	4 08	10 04	11 44	...	...	...	...	...
7.7	Canton Jct. Due	...	5 48	...	...	6 47	7 22	8 41	9 56	11 45	12 27	2 42	3 27	4 10	10 06	11 46	...	...	...	...	...
7.7	Canton Jct. Lv.	...	5 c50	...	...	6 48	7 23	8 c44	9 c56	11 c53	12 28	...	3 c28	4 c15	10 c09	11 46	...	...	...	...	...
10.1	Readville	5 57	5 c57	...	6 47	...	...	...	...	...	12 31	...	...	...	...	...	...	...	...	...	...
14.8	Hyde Park	...	6 c10	6 28	6 51	...	7 28	...	...	...	12 36	...	...	...	...	...	...	...	...	...	...

BOSTON AND NEW BEDFORD—FALL RIVER

Miles			★803 889 Ex. Sun.	★805 Ex. Sun.	Bus Ex. Sun.	★807 Sun. only	★809 ★891 Ex. Sun.	Bus Ex. Sun.	★811 Sat. only	Bus Sat. only	★813 ★897 Ex. Sat. & Sun.	★815 ★899 Ex. Sun.	Bus Ex. Sun.	★821 ★885 Sun. only	★819 Daily	
			A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	
0.0	Boston	South Station Lv.	5 50	7 40	7 e40	8 e30	11 25	11 e25	1 e40	e1 e40	4 10	4 50	4 e50	3 10	10 45	
		Back Bay	5 54	7 44	7 e44	8 34	11 29	11 e29	1 e44	e1 e44	4 14	4 54	4 e54	3 14	10 48	
16.0	Canton Jct.		6 07			8 51	11 46	11 e46						3 32	11 07	
18.1	Sharon		6 04	8 08	8 e06	8 57	11 52	11 e52	2 e06	e2 e06	4 33	5 16	5 e16	3 37	11 12	
24.9	Mansfield		6 15	8 17	8 e17	9 07	12 03	12 e03	2 e15	e2 e15	4 42	5 26	5 e26	3 47	11 22	
35.8	Taunton	Due	6 35	8 35	8 e35	9 24	12 20	12 e20	2 e32	e2 e32	5 03	5 43	5 e43	4 04	11 41	
35.8	Taunton	Lv.	6 35	8 35		9 24	12 20		2 e32		5 03	5 43		4 04	11 41	
49.0	Myricks	Due	6 46				12 31		2 e42		5 13	bb		4 14		
49.0	Myricks	Lv.	6 46				12 32		2 e43		5 18	bb		4 19		
56.0	New Bedford	Due	7 07	9 05		9 e50	12 50		3 e03		5 37	6 11		4 33	12 07	
56.8	New Bedford Wharf	Due	7 20				1 00					6 20		4 43	12 20	
		Taunton Lv.			8 34			12 21		2 33			5 44			
		North Dighton Due			8 45			12 42		2 44			5 55			
		Segreganset			8 48			12 45		2 47			5 58			
		Dighton			8 51			12 48		2 50			6 01			
		Somerset			8 56			12 53		2 57			6 06			
49.0	Myricks	Lv.	6 55				12 37				5 23	bb		5 21		
59.7	Fall River	Due	7 05		9 14		12 52	1 01		3 13	5 38	bb	6 24	5 36	12 07	
			A.M.	A.M.	A.M.	A.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	A.M.	

FALL RIVER—NEW BEDFORD AND BOSTON

Miles	Miles		★802 ★804 Ex. Sun.	★806 Ex. Sun.	Bus Ex. Sun.	★892 ★808 Sun. only	894 ★810 Ex. Sun.	Bus Ex. Sun.	★812 Daily	★814 Ex. Sun.	Bus Sat. only	Bus Ex. Sat. & Sun.	Bus Sat. only	★898 ★818 Ex. Sun.	★858 ★816 Sun. only	★820 Sun. only
			A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.
0.0		Fall River Lv.	6 02		7 07	7 50	8 07	10 59			1s50	2110	4s53	4 55	3120	
10.7		Myricks Due	6 17			8 06	8 22							5 10	3135	
		Somerset			7 23			10 58			2s06	2126	5s09			
		Dighton			7 30			11 02			2s13	2133	5s16			
		Segreganset			7 33			11 05			2s16	2136	5s19			
		North Dighton			7 36			11 08			2s19	2139	5s22			
16.9		Taunton Due			7 47			11 19			2s30	2150	5s33			
	0.0	New Bedford Wharf Lv.				7 40			10 45							8133
	0.8	New Bedford	6 02	7 25		7 50	8 07		10 55	2 25				4 55	3120	8150
	14.8	Myricks Due	6 20			8 06	8 25							5 13	3138	
	14.8	Myricks Lv.	6 27			8 18	8 32							5 20	3143	
	21.0	Taunton Due	6 37	7 51		8 26	8 42		11 23	2 54				5 30	3157	9120
	21.0	Taunton Lv.	6 41	7 51	7 51	8 26	8 42	11 e23	11 23	2 54	e2 54	e2 54	e5 e38	5 38	3157	9120
	31.9	Mansfield					8 59	11 e39	11 39	3 12	e3 e12	e3 12	e5 e55	5 56	6114	
	38.7	Sharon						11 e46	11 46	3 22	e3 e22	e3 22	e6 e02	6 07	6123	
	41.0	Canton Jct.				8 53		11 e53	11 53	3 28	e3 e28	e3 28	e6 e15	6 13	6128	
59.7	56.8	Boston Back Bay	7 26	8 56	8 e56	9 10	9 27	12 e10	12 10	3 45	e3 e45	e3 45	e6 e32	6 32	6150	10105
		Boston South Sta. Due	7 31	8 40	8 e40	9 18	9 32	12 e15	12 15	3 50	e3 e50	e3 50	e6 e37	6 37	6150	10110
			A.M.	A.M.	A.M.	A.M.	A.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.

★ Regularly assigned cars AIR-CONDITIONED.
‡ Daily except Saturdays and Sundays.
§ Sundays only.

e By connecting train.
s Saturdays only.
bb Stops Saturdays at Myricks, due 5 52 P.M., leave Myricks 5 58 P.M., due Fall River 6 13 P.M.

BOSTON TO NORTH EASTON

Miles			863 Ex. Sun.	851 Ex. Sun.	865 Ex. Sun.	867 Ex. Sun.	853 Sat. only	917 Sat. only	871 Ex. Sun.	881 Ex. Sun.	921 Ex. Sun.	927 Ex. Sat. & Sun.	873 Ex. Sat. & Sun.	875 Sat. only	855 Ex. Sat. & Sun.	857 Ex. Sun.	877 Ex. Sun.	879 Ex. Sun.	927 Ex. Sat.	861 Ex. Sun.		
			A.M.	A.M.	A.M.	A.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.		
0.0	Boston	South Station Lv.	5 e50	7 15	10 e50	11 e25	12 e24	1 45	2 e30	3 10		e3 e35	e4 e00		4 10	4 40	5 e15	8 e35		10 e45		
		Back Bay	5 e54	7 19	10 e54	11 e29	12 e28	1 49	2 e34	3 14		e3 e39	e4 e04		4 14	4 44	5 e19	8 e39		10 e49		
8.4	Hyde Park			7 30			12 e39	2 00		3 27					4 27	4 58			9 e00		
9.6	Readville			7 34			12 e42			3 29		e3 e42			4 30	5 01					
16.0	Canton Jct.	Due	5 e58	7 42	10 e61	11 e46	12 e43	2 10	2 e52			4 00	e4 e00	e4 e22	4 37	5 05	5 e37	8 e58		11 e07		
16.0	Canton Jct.	Lv.	6 06	7 43	10 55	11 50	12 e44	2 11	2 e53					e4 e02	4 38	5 06	5 38	9 00		11 10		
16.6	Canton, Mass.		6 08	7 45	10 57	11 52	12 e46	2 13	2 e55					e4 e04	4 40	5 08	5 40	9 02		11 12		
18.9	Stoughton		6 15	7 51	11 03	11 58	12 e52	2 19	3 02					e4 e10	4 46	5 14	5 46	9 08		11 18		
23.7	North Easton	Due	6 23	7 58	11 10	12 05	12 e59	2 26	3 09					e4 e17	4 53	5 21	5 53	9 15		11 25		
			A.M.	A.M.	A.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.		

NORTH EASTON TO BOSTON

Miles			500 Ex. Sun.	860 Ex. Sun.	916 Ex. Sun.	918 Ex. Sun.	852 Ex. Sun.	854 Ex. Sun.	862 Ex. Sun.	884 Ex. Sun.	886 Ex. Sun.	888 Ex. Sun.	870 Ex. Sun.	872 Ex. Sun.	876 Ex. Sun.	878 Ex. Sun.	850 Ex. Sun.					
			A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.					
0.0	North Easton	Lv.		5 50			6 55	7 08	8 35	9 40	11 30	12 18	2 39	3 18	4 33	5 31	11 30					
5.8	Stoughton			5 57			7 02	7 14	8 39	9 47	11 37	12 25	2 46	3 25	4 39	5 38	11 38					
7.1	Canton, Mass.			5 59			7 04	7 16	8 41	9 49	11 39	12 27	2 48	3 27	4 41	5 40	11 40					
7.7	Canton Jct.	Due		6 05			7 10	7 22	8 47	9 55	11 45	12 33	2 54	3 33	4 47	5 46	11 46					
7.7	Canton Jct.	Lv.		5 e50			7 22		8 e58	9 e58	11 e55	1 25		3 e28	6 e15	10 e08	11 46					
13.1	Readville		5 57	5 e57		6 47						12 49										
14.8	Hyde Park				6 32	6 51		7 32				12 53										
23.7	Boston	Back Bay	6 10	6 e10	6 48	7 08	7 08	7 48	9 e00	10 e15	12 e10	1 30		3 e45	6 e32	10 e25	12 08					
		South Sta. Due	6 15	6 e15	6 48	7 07	7 13	7 48	9 e05	10 e20	12 e15	1 35		3 e50	6 e37	10 e30	12 10					
			A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	A.M.					

‡ Daily except Saturdays and Sundays.
§ Daily except Saturdays.

e By connecting train.
s Saturdays only.

EXHIBIT A—Sheet 4

Eastern Standard Time

BOSTON TO SOUTH BRAINTREE

Via Quincy Miles	Via West Quincy Miles		611 Ex. Sun.	605 Ex. Sun.	607 Ex. Sun.	615 Ex. Sun.	609 Ex. Sun.	667 Ex. Sun.	691 Sun. only	613 Ex. Sun.	621 Ex. Sun.	665 Ex. Sun.	623 Sun. only	633 Ex. Sun.	625 Ex. Sun.	627 Daily	631 Ex. Sun.	629 Ex. Sun.	785 Ex. Sun.	635 Ex. Sun.	637 Sun. only
			AM.	AM.	AM.	AM.	AM.	AM.	AM.	AM.	AM.	AM.	AM.	AM.	AM.	AM.	AM.	AM.	AM.	AM.	AM.	P.M.
0 0		0 0	Boston, South Sta. Lv.	5 35	6 05	6 20	6 40	7 05	7 15	7§50	7 35	7 50	8 05	8§05	8 20	8 35	9 05	9 35	10 05	10 35	11 05	11§05
5 5		5 5	Atlantic	5 46	6 16	6 31		7 16			7 49		8 16	8§16		8 46	9 16		10 16	10 46	11 16	11§16
6 1			Norfolk Downs	5 48	6 18	6 33		7 18			7 51		8 18	8§18		8 48	9 18		10 18	10 48	11 18	11§18
6 7			Wollaston	5 50	6 20	6 35	6 53	7 20	7 27		7 53		8 20	8§20	8 32	8 50	9 20	9 48	10 20	10 50	11 20	11§20
8 0			Quincy	5 57	6 24	6 39	6 57	7 24	7 30	7§44	7 57		8 24	8§24	8 35	8 54	9 24	9 52	10 24	10 54	11 24	11§24
8 7			Quincy Adams	6 00	6 27	6 42		7 27			8 00		8 27	8§27		8 57	9 27		10 27	10 57	11 27	11§27
		6 1	Montclair																			
		7 5	East Milton																			
		8 6	West Quincy																			
10		11 0	Braintree	6 09	6 30	6 45	7 02	7 30	7 34		8 08	8 08	8 30	8§30	8 40	9 00	9 30	9 57	10 00		11 30	11§30
11 4		12 3	South Braintree Due	6 Dd			7 05		7 37					8§39				10 00				11§33
				AM.	AM.	AM.	AM.	AM.	AM.	AM.	AM.	AM.	AM.	AM.	AM.	AM.	AM.	AM.	AM.	AM.	AM.	AM.

	643 Sat. only	639 Sat. only	641 Ex. Sun.	643 Sat. only	663 Daily	655 Sat. only	649 Daily	651 Ex. Sat. & Sun.	661 Sun. only	673 Ex. Sun.	675 Daily	659 Sat. only	681 Ex. Sun.	683 Ex. Sun.	685 Sun. only	689 Ex. Sun.	693 Ex. Sun.	697 Ex. Sun.	699 Ex. Sun.	707 Ex. Sun.	703 Ex. Sat. & Sun.
	AM.	AM.	AM.	AM.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.
Boston, South Sta. Lv.	11§20	11§30	11 35	11§50	12 03	12§10	12 18	12§23	12§23	12 33	1 03	1§20	1 35	2 03	2§03	2 33	3 03	3 05	3 15	3 35	3§57
Atlantic		11§41			12 18				12§34	12 48	1 18			2 18	2§18	2 48			3 48		
Norfolk Downs	11§32				12 18				12§36	12 48	1 18			2 18	2§18	2 48		3 17	3 48		4§09
Wollaston			11 49	12§03	12 20				12§38	12 50	1 20		1 48	2 20	2§20	2 50		3 19	3 50	3 28	4§12
Quincy			11 52	12§07	12 24				12§42	12 54	1 24		1 51	2 24	2§24	2 54		3 21	3 54		4§16
Quincy Adams	11§38				12 27				12§45	12 57	1 27			2 27	2§27	2 57			3 57		4§19
Montclair		11§45																			
East Milton		11§47																			
West Quincy		11§51																			
Braintree	11§44	11§59	11 57	12§13	12 30	12§28	12 35	12§43	12§48	1 00	1 30	1§38	1 58	2 30	2§30	3 00	3 29	3 26	3 35	4 00	4§23
So. Braintree Due			12 00	12§15			12 38						1 58	2 33			3 23	3 29			4§27
	A.M.	A.M.	N'ON	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.

	669 Sun. only	723 Ex. Sun.	717 Ex. Sun.	731 Sat. only	721 Ex. Sat. & Sun.	727 Ex. Sat. & Sun.	735 Ex. Sat. & Sun.	737 Ex. Sun.	653 Sun. only	741 Ex. Sun.	743 Ex. Sat. & Sun.	745 Ex. Sat. & Sun.	739 Ex. Sun.	751 Ex. Sun.	677 Sun. only	755 Ex. Sun.	753 Ex. Sun.	763 Ex. Sun.	781 Daily	777 Ex. Sun.	765 Daily
	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.
Boston, South Sta. Lv.	4§05	10	4 13	4§16	4§18	4§20	4§25	4 30	4§33	4 40	4§44	4§47	4 50	5 05	5§05	5 13	5 33	6 05	6 33	7 05	7 35
Atlantic					4§29			4 41	4§46				5 01		5§16	5 26	5 46		6 46	7 18	
Norfolk Downs	4§17			4§28				4 43	4§48			4§59			5§18	5 28	5 48	6 17	6 48	7 18	7 47
Wollaston	4§19			4§30			4§40	4 45	4§50						5§20	5 30	5 50	6 19	6 50	7 20	7 49
Quincy	4§23		bb			4§33	4§44	4 49	4§54	4 58				5 12	5§24	5 34	5 54	6 22	6 54	7 24	7 52
Quincy Adams	4§26		bb			4§38		4 52	4§57			5§04			5§27	5 37	5 57		6 57	7 27	
Montclair					4§31								5 03								
East Milton					4§33								5 05								
West Quincy					4§39								5 11								
Braintree	4§30		4 30	4§37	4§44	4§41	4§51	4 55	5§03	bb	5§03		5 16	5 28	5§30	5 40	6 00	6 27	7 00	7 30	7 57
So. Braintree Due	4§34	4 30					4§55		5§03			5§10		5 32			6 03	6 30			8 00
	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.

	779 Ex. Sun.	749 Sun. only	787 Ex. Sun.	767 Ex. Sun.	769 Ex. Sun.	757 Daily	871 Sun. only	773 Ex. Sun.	775 Daily
	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.
Boston, South Sta. Lv.	8 03	8§33	8 33	8 43	9 03	9 33	10§37	10 20	10 43
Atlantic	8 16	8§46	8 46			9 46	10§50	10 37	10 56
Norfolk Downs	8 18	8§48	8 48		9 17	9 48	10§52	10 39	10 58
Wollaston	8 20	8§50	8 50		9 19	9 50	10§54	10 41	11 00
Quincy	8 24	8§54	8 54		9 22	9 54	10§57	10 45	11 03
Quincy Adams	8 27	8§57	8 57			9 56	10§57	10 42	
Montclair									
East Milton									
West Quincy									
Braintree	8 30	9§00	9 00	9 03	9 27	10 00	10§40	10 45	11 08
So. Braintree Due			9 03		9 30	10 04	10§43		11 11
	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.

§ Sundays only.
‡ Daily except Saturdays and Sundays.
s Saturdays only.

bb Stops Saturdays only at Quincy 4 26 P.M. and Quincy Adams 4 27 P.M.
hh Stops Saturdays only at Braintree 5 00 P.M.

SOUTH BRAINTREE TO

	604 Ex. Sun.	606 Ex. Sun.	608 Ex. Sun.	614 Ex. Sun.	616 Ex. Sun.	622 Sun. only	622 Ex. Sun.	638 Ex. Sun.	630 Ex. Sun.	628 Ex. Sun.		636 Ex. Sun.
	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.
South Braintree Lv.	5 04		5 §8	6 14		6§51				6 45	Runs only Sept. 5.	
Braintree	5 07	5 35	5 §8	6 18		6§59		6 26	6 39			6A50 6 50
West Quincy								6 30				
East Milton								6 43				
Montclair								6 47				
Quincy Adams	5 10	5 39	5 §9	6 23		6§56			6 43			6A54 6 54
Quincy	5 13	5 42	6 02		6 27	6§59	6 §9		6 46			6A57 6 57
Wollaston	5 16	5 45	6 05		6 31	7§03	6 43		6 50			7A01 7 02
Norfolk Downs	5 18	5 47	6 08	6 27		7§05			6 52			7A03 7 04
Atlantic	5 20	5 50	6 10	6 29		7§08		6 50				7A05 7 07
Boston, South Sta. Due	5 30	6 00	6 20	6 39	6 48	7§18	6 §6	7 00	7 08	7 08		7A16 7 17
	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.

	688 Ex. Sun.	632 Sun. only	674 Ex. Sun.	666 Ex. Sun.	668 Ex. Sun.	680 Ex. Sun.	742 Ex. Sun.	672 Ex. Sun.	686 Ex. Sun.	598 Ex. Sun.	684 Sun. only	704 Ex. Sun.	748 Ex. Sun.
	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	P.M.
South Braintree Lv.			8 §3								11§20		12 1
Braintree	8 §3	8§35	8 §1	8 §5	9 §5	9 §9	9 §4	10 §5	10 §5	11 §4	11§25	11 §5	12 1
West Quincy													
East Milton													
Montclair													
Quincy Adams		8§39		8 §9	9 §9			10 §9	10 §9		11§29	11 §9	
Quincy		8§39	8 §6	9 §8	9 §2	9 §4	9 §9	10 §2	11 §2	11 §9	11§32	12 §2	
Wollaston		8§36	8 §9	9 §8	9 §5	9 §7	10 §2	10 §5	11 §5	11 §3	11§36	12 §5	
Norfolk Downs		8§38		9 §8	9 §8		10 §5	10 §8	11 §8	11 §5	11§38	12 §8	
Atlantic		8§40		9 10	9 40			10 40	11 10		11§40	12 10	
Boston, South Sta. Due	8 40	8§50	8 §0	9 20	9 §0	10 10	10 15	10 §0	11 20	11 §5	11§50	12 20	12 3
	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	P.M.	P.M.

	736 Sun. only	782 Ex. Sun.	720 Ex. Sun.	708 Ex. Sat. & Sun.	740 Sun. only	728 Ex. Sun.	786 Ex. Sun.	722 Sun. only	732 Ex. Sun.	730 Ex. Sun.	758 Ex. Sun.	784 Daily	7
	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	
South Braintree Lv.	3§23	3 §2	4 20			4 §2		5§31	5 §9		6 §2		
Braintree	3§25	3 §5	4 23	4125	4125	4 §5	5 25	5§35	6 04	6 33	6 §6	7 18	
West Quincy													
East Milton													
Montclair													
Quincy Adams	3§29			4§29	4§29		5 §9	5§39					
Quincy	3§32		aa	4§32	4§32	5 §0	5 §2	5§42	6 §9	6 §8	7 §8		
Wollaston	3§34		aa	4§34	4§34	5 §3	5 §5	5§44	6 13	6 §3	7 12		
Norfolk Downs	3§38		aa	4§38	4§38	5 §8	5 §8	5§48		6 §8	7 14		
Atlantic	3§40	4 10		4§40	4§40		5 40	5§10	6 15				
Boston, South Sta. Due	3§50	4 §0	4 40	4§50	4§50	5 15	5 §0	6§20	6 §5	6 §5	7 §5	7 §5	
	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	

A. Runs only on Sept. 5.
‡ Daily except Saturdays.
‡ Daily except Saturdays and Sundays.

§ Sundays only.
s Saturdays only.
aa Stops Saturdays only at Quincy 4 27 P.M. 4 29 P.M. and Norfolk Downs 4 30 P.M.

Exhibit A, Annexed to Trustees' Answer.

EXHIBIT A—Sheet 4

NTREE

	623 Sun only	633 Ex. Sun.	625 Ex. Sun.	627 Daily	631 Ex. Sun.	629 Ex. Sun.	785 Ex. Sun.	633 Ex. Sun.	637 Sun. only
	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	P.M.
	8 06	8 20	8 55	9 05	9 55	10 06	10 55	11 05	11 05
	8 16		8 46	9 16	....	10 16	10 46	11 16	11 16
	8 18		8 48	9 18	....	10 18	10 48	11 18	11 18
	8 20	8 32	8 50	9 20	9 48	10 20	10 50	11 20	11 20
	8 24	8 35	8 54	9 24	9 52	10 24	10 54	11 24	11 24
	8 27	....	8 57	9 27	....	10 27	10 57	11 27	11 27
	....	....	....	....	....	....	....	....	....
	....	....	....	....	....	....	....	....	....
	....	....	....	....	....	....	....	....	....
	8 30	8 40	9 00	9 30	9 57	10 30	11 00	11 30	11 30
	8 33	....	....	....	10 00	....	....	....	11 33
	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.

	681 Ex. Sun	683 Ex. Sun	685 Sun. only	689 Ex. Sun	693 Ex. Sun	697 Ex. Sun.	699 Ex. Sun.	707 Ex. Sun.	705 Ex. Sat. & Sun.
	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.
	1 35	2 03	2103	2 35	3 03	3 05	3 15	3 35	3:57
		2 18	2118	2 48	....	....	....	3 48	4:09
	1 48	2 18	2118	2 48	....	3 17	3 28	3 48	4:12
	1 51	2 21	2121	2 51	....	3 21	....	3 51	4:16
	....	2 27	2127	2 57	....	....	....	3 57	4:19
	....	....	....	....	....	....	....	....	....
	....	....	....	....	....	....	....	....	....
	1 58	2 30	2130	3 00	3 20	3 26	3 35	4 00	4:23
	1 59	2 33	....	....	3 23	3 29	....	....	4:27
	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.

	739 Ex. Sun.	751 Ex. Sun.	677 Sun. only	755 Ex. Sun.	753 Ex. Sun.	763 Ex. Sun.	761 Daily	777 Ex. Sun.	765 Daily
	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.
	4 30	5 05	5105	5 15	5 33	6 05	6 35	7 05	7 35
	3 01		3118	5 26	5 46		6 46	7 16	
		5 18	3118	5 28	5 48	6 17	6 48	7 18	7 47
		5 22	3120	5 30	5 50	6 19	6 50	7 20	7 49
			3124	5 34	5 54	6 22	6 54	7 24	7 52
			3127	5 37	5 57	....	6 57	7 27	....
	5 03								
	5 07								
	5 11								
	5 16	5 28	5130	5 40	6 00	6 27	7 00	7 30	7 57
		5 32			6 03	6 30			8 00
	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.

bb Stops Saturdays only at Quincy 4 26 P.M. and Quincy Adams 4 27 P.M.
hh Stops Saturdays only at Braintree 5 00 P.M.

SOUTH BRAINTREE TO BOSTON

	604 Ex. Sun	606 Ex. Sun.	608 Ex. Sun.	614 Ex. Sun	616 Ex. Sun	622 Sun. only	622 Ex. Sun.	638 Ex. Sun.	630 Ex. Sun.	628 Ex. Sun.	Runs only Sept. 5	636 Ex. Sun.	634 Ex. Sun.	640 Ex. Sun.	646 Ex. Sun.	648 Ex. Sun.	644 Ex. Sun.	654 Ex. Sun.	650 Sun. only	Runs only Sept. 5	662 Ex. Sun.	618 Sun. only	676 Ex. Sun.
	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.		A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.		A.M.	A.M.	A.M.
South Braintree Lv.	5 04		5 58	6 14		6 31				6 45				7 03		7 14			7 31			7 51	
Braintree	5 07	5 35	5 56	6 18		6 35		6 26	6 39			6▲50	6 50	7 02		7 17	7 11	7 20	7 35		7▲34	7 40	7 55
West Quincy								6 29									7 19						
East Milton								6 43									7 28						
Montclair								6 47									7 37						
Quincy Adams	5 10	5 39	5 59	6 22		6 36			6 43			6▲54	6 54					7 24	7 39		7▲39	7 44	7 59	7 59
Quincy	5 13	5 42	6 02		6 27	6 39	6 39		6 46			6▲57	6 57			7 18		7 27	7 42		7▲42	7 47	8 02	8 02
Wollaston	5 16	5 45	6 05		6 31	6 43	6 43		6 50			7▲01	7 02			7 17		7 31	7 46		7▲46	7 51	8 06	8 06
Norfolk Downs	5 16	5 47	6 08	6 27		6 46			6 52			7▲03	7 04			7 14		7 33	7 48		7▲48	7 53	8 08	8 08
Atlantic	5 20	5 50	6 10	6 29		6 46		6 50				7▲05	7 07				7 30		7 40		7▲50	7 55	8 10	8 10
Boston, South Sta. Due	5 30	6 00	6 20	6 39	6 48	6 55	6 55	7 00	7 08	7 08		7▲16	7 17	7 20	7 25	7 30	7 40	7 44	7 50		8▲01	8 05	8 20	8 20
	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.		A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.		A.M.	A.M.	A.M.	A.M.

	688 Ex. Sun	612 Sun. only	674 Ex. Sun.	686 Ex. Sun.	688 Ex. Sun.	680 Ex. Sun.	742 Ex. Sat.	672 Ex. Sun.	686 Ex. Sun.	698 Ex. Sun.	684 Sun. only	704 Ex. Sun.	748 Ex. Sun.	692 Sun. only	702 Ex. Sun.	708 Ex. Sun.	750 Ex. Sun.	700 Sat. only	718 Ex. Sat.	710 Ex. Sun.	712 Ex. Sun.	724 Sun. only	716 Ex. Sun.	714 Ex. Sun.
	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.
South Braintree Lv.			8 28								11 20		12 11	12 21	12 22				1 53		2 23			3 22
Braintree	8 33	8 25	8 31	8 55	9 25	9 49	9 54	10 25	10 55	11 24	11 25	11 55	12 14	12 25	12 25	12 55	1 25	1▲54	1 59	2 18	2 28	2 55	2 55	3 25
West Quincy																								
East Milton																								
Montclair																								
Quincy Adams		8 29		8 59	9 29			10 29	10 59		11 29	11 59		12 29			12 59	1 29				3 00	3 29	
Quincy		8 33	8 39	9 02	9 32	9 54	9 59	10 32	11 02	11 29	11 32	12 02		12 30	12 30	1 02	1 33	1▲59	2▲02		2 31	3 02	3 32	3 30
Wollaston		8 36	8 39	9 05	9 35	9 57	10 02	10 35	11 05	11 32	11 36	12 05		12 33	12 33	1 05	1 36	2▲02	2▲05		2 34	3 05	3 35	3 34
Norfolk Downs		8 39		9 08	9 38		10 05	10 38	11 08	11 35	11 38	12 08		12 35	12 35	1 08	1 38	2▲04	2▲08			3 08	3 38	
Atlantic		8 40		9 10	9 40			10 40	11 10		11 40	12 10				1 10	1 40		2▲10			3 10	3 40	
Boston, South Sta. Due	8 40	8 50	8 50	9 20	9 50	10 10	10 15	10 50	11 20	11 45	11 50	12 20	12 30	12 30	12 45	1 20	1 50	2▲15	2▲20	2 35	2 45	3 20	3 20	4 45
	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.

	736 Sun. only	782 Ex. Sun	720 Sun.	708 Ex. Sat. & Sun	740 Sun only	728 Ex. Sun.	786 Ex. Sun.	722 Sun only	732 Ex. Sun	730 Ex. Sun.	758 Ex. Sun.	734 Daily	744 Daily	746 Ex. Sun	764 Ex. Sun.	760 Sun. only	776 Daily	Discontinued after Aug. 28	770 Sun. only	768 Daily	788 Ex. Sun	762 Ex. Sun.	752 Daily	780 Sun. only
	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.		P.M.	P.M.	P.M.	P.M.	P.M.	P.M.
South Braintree Lv.	3122	1 12	4 20			4 32		3151	3 59		6 32				8 23		cc				9 38			11133
Braintree	3125	1 16	4 23	4125	4125	4 35	5 25	3155	6 04	6 33	6 36	7 18	7 25	7 59	8 26		8 55			9 47	10 01	10 15	10 32	11138
West Quincy																								
East Milton																								
Montclair																								
Quincy Adams	3129	1 20		4129	4129		5 29	3159					7 29				8 59					10 19		11141
Quincy	3132	1 23	aa	4132	4132	5 00	5 32	3202	6 09	6 38	7 08		7 32	8 04	8 30	8154	9 02	9140	ff	10 04		10 22		11143
Wollaston	3135	1 26	aa	4135	4135	5 03	5 35	3205	6 13	6 42	7 12		7 35	8 08	8 33		9 05		ff	10 08		10 25		11146
Norfolk Downs	3138	1 29	aa	4138	4138	5 05	5 38	3208		6 44	7 14		7 38	8 10			9 08					10 28		11148
Atlantic	3140	1 31		4140	4140		5 40	3210	6 15				7 40				9 10					10 30		11150
Boston, South Sta. Due	3150	1 40	4 40	4150	4150	5 15	5 50	3220	6 25	6 55	7 25	7 35	7 50	8 20	8 45	9110	9 20		9155	10 05	10 20	10 40	10 49	11200
	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.		P.M.	P.M.	P.M.	P.M.	P.M.	N'HT

▲ Runs only on Sept. 5.
d Daily except Saturdays.
f Daily except Saturdays and Sundays.
g Sundays only.
s Saturdays only.
aa Stops Saturdays only at Quincy 4 27 P.M. Wollaston 4 29 P.M. and Norfolk Downs 4 30 P.M.
cc Leaves Sundays only from South Braintree 8 52 P.M.
ff Stops Sundays only at Quincy 9 51 P.M. and Wollaston 9 53 P.M.

EXHIBIT A—SHEET 5

Eastern Standard Time

BOSTON TO PLYMOUTH

Miles		★611 Ex. Sun.	667 Ex. Sun.	623 Sun. only	643 Sat. only	649 Daily	683 Ex. Sun.	693 Ex. Sun.	★717 Ex. Sun.	653 Sun. only	★743 Ex. Sat. & Sun.	753 Ex. Sun.	787 Ex. Sun.	★771 Sun. only
		A.M.	A.M.	A.M.	A.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.
0.0	Boston, South Sta. ....Lv.	5 35	7 15	8 05	11 50	12 15	2 05	3 03	4 13	4 33	4 47	5 35	8 45	10 15
1	Braintree	6 03	7 54	8 50	12 21	12 45	2 35	3 30	4 30	4 50	5 11	6 00	9 10	10 40
4.4	South Braintree	6 07	7 57	8 54	12 25	12 49	2 39	3 34		4 54	5 15	6 04	9 14	10 44
14.9	South Weymouth	6 14	7 43	9 40	12 32	12 56	2 46	3 41	4 39	5 01	5 22	6 11	9 21	10 51
17.8	North Abington	6 21	7 48	9 45	12 37	1 01	2 51	3 46	4 44	5 06	5 27	6 16	9 26	10 56
19.2	Abington	6 25	7 51	9 48	12 40	1 04	2 54	3 49	4 47	5 09	5 30	6 19	9 29	10 59
21.1	Whitman	6 31	7 56	9 53	12 45	1 09	2 59	3 54	4 52	5 14	5 35	6 24	9 34	11 04
24.6	South Hanson	6 39	.....	9 58	.....	1 03	.....	3 47	4 57	5 20	.....	.....	.....	.....
27.1	Monponsett	6 45	.....	10 04	.....	1 11	.....	3 53	5 02	5 26	.....	.....	.....	.....
28.8	Kingston, Mass.	6 56	.....	10 15	.....	1 20	.....	4 04	5 11	5 35	.....	.....	.....	.....
35.4	Cordage	7 01	.....	10 17	.....	1 24	.....	4 08	5 15	5 39	.....	.....	.....	.....
37.4	Plymouth, Mass. ....Due	7 06	.....	10 21	.....	1 29	.....	4 10	5 19	5 43	.....	.....	.....	.....
		A.M.	A.M.	A.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.

PLYMOUTH TO BOSTON

Miles		614 Ex. Sun.	★628 Ex. Sun.	640 Ex. Sun.	630 Sun. only	656 Ex. Sun.		674 Ex. Sun.	748 Ex. Sun.	682 Sun. only	★782 Ex. Sun.	722 Sun. only	★732 Ex. Sun.	776 Sun. only	788 Ex. Sun.	780 Sun. only
		A.M.	A.M.	A.M.	A.M.	A.M.		A.M.	A.M.	A.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.
0.0	Plymouth, Mass. ....Lv.	.....	5 58	.....	6 54	6 48	Sept. 6	6A45	.....	11 25	11 35	.....	3 03	5 00	8 05	.....
2.0	Cordage	.....	6 02	.....	6 58	6 52		6A49	.....	11 29	11 39	.....	3 07	5 04	8 09	.....
4.1	Kingston, Mass.	.....	6 06	.....	6 42	6 56		6A53	.....	11 33	11 43	.....	3 11	5 08	8 13	.....
10.5	Monponsett	.....	6 15	.....	6 51	7 05		7A04	.....	11 42	11 52	.....	3 20	5 17	8 22	.....
12.6	South Hanson	.....	6 20	.....	6 56	7 10		7A09	.....	11 47	11 57	.....	3 25	5 22	8 27	.....
16.8	Whitman	5 55	6 28	6 44	7 02	7 16	Daily	7A15	8 40	11 53	12 03	3 32	3 33	5 33	8 33	6 40
18.2	Abington	5 59	6 30	6 46	7 06	7 20		7A19	8 14	11 57	12 07	3 36	3 37	5 37	8 37	6 44
19.2	South Abington	6 02	6 33	6 51	7 09	7 23		7A22	8 17	12 00	12 10	3 40	3 40	5 40	8 40	6 47
23.8	South Weymouth	6 07	6 38	6 56	7 14	7 28		7A28	8 22	12 05	12 15	3 45	3 45	5 45	8 45	6 52
	South Braintree ....Due	6 12	6 44	7 02	7 20	.....		7A34	8 28	12 11	12 21	3 51	3 51	5 51	8 51	6 58
	Braintree	6 16	.....	.....	7 25	.....		7A37	8 31	12 14	12 25	3 55	3 55	6 04	10 01	7 02
37.4	Boston, South Sta. ....Due	6 35	7 06	7 25	7 50	7 55		8A08	8 50	12 30	12 59	4 20	6 20	6 25	9 20	10 20
		A.M.	A.M.	A.M.	A.M.	A.M.		A.M.	A.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	N'HT

★ Regularly assigned cars AIR-CONDITIONED.
‡ Daily except Saturdays and Sundays.
‖ Sundays only.
▲ Runs only on Sept. 3.
c By connecting train.
s Saturdays only.

BOSTON TO ROCKLAND AND HANOVER

Miles		Bus Ex. Sun.	Bus Ex. Sun.	Bus Ex. Sat. & Sun.	B-15 Sat. only	Bus Ex. Sun	Bus Ex. Sun.	B-17 Ex. Sat. & Sun.	Bus Sat. only	Bus Ex. Sat. & Sun
		A.M.	A.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.
0.0	Boston, South Station ..Lv.	5 c35	7 c15	c1 21 5	c1 2s1 5	2 c05	3 c03	c4113	c4s13	c4147
8.8	North Abington	6 29	7 50	1 2153	1 2s54	2 45	3 43	4 49	4s45	5 27
19.2	Rockland, Mass.	6 39	7 58	1 3000	1 2s03	2 54	3 52	4 58	4s54	5 36
21.0	West Hanover	6 34	8 04	1 3006	1 2s09		3 58	5 04	5s00	5 42
23.1	Whiskers Crossing	6 38	8 08	f1 3010	f1 2s13	....	4 02	5 08	5s04	5 46
23.8	South Hanover	6 41	8 11	1 3013	1 2s16	....	4 05	5 11	5s07	5 49
24.9	Curtis Crossing	a	8 17	f1 3019	f1 2s22	....	4 11	5 17	5s13	5 55
25.6	Hanover, Mass. ....Due	6 49	8 20	1 3023	1 2s26	....	4 15	5 21	5s17	5 59
		A.M.	A.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.

HANOVER AND ROCKLAND TO BOSTON

Miles		Bus Ex. Sun.	B-14 Ex. Sun.	Bus Ex. Sun.	Bus Ex. Sun.	Bus Ex. Sat. & Sun.	Bus Ex. Sun.	Bus Daily	Bus Sat. only	Bus Ex. Sat. & Sun.
		A.M.	A.M.	A.M.	A.M.	P.M.	P.M.	P.M.	P.M.	P.M.
0.0	Hanover, Mass. ....Lv.	.....	6 58	6 51	11 35	2 10	.....	4 05	5s15	5 53
0.7	Curtis Crossing	.....	6 59	a	11 37	2 11	.....	4 06	a	a
2.8	South Hanover	.....	7 03	6 58	11 39	2 13	.....	4 08	5s21	6 00
3.6	Whiskers Crossing	.....	7 07	7 01	11 39	2 17	.....	4 12	5s24	6 03
4.6	West Hanover	5 44	7 10	7 05	11 40	2 20	.....	4 15	5s27	6 07
6.8	Rockland, Mass.	5 51	7 16	7 12	11 47	2 26	3 24	4 21	.....	.....
7.8	No. Abington ....Due	5 59	7 25	7 20	11 55	2 34	3 33	4 30	.....	.....
25.6	Boston, South Station ..Due	6 c30	7 c50	7 c38	12 c30	.....	4 c20	.....	.....	.....
		A.M.	A.M.	A.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.

‡ Daily except Saturdays and Sundays.
a Runs via Broadway.
c By connecting train.
f Stops on signal.
s Saturdays only.

Eastern Standard Time

BOSTON TO BROCKTON, BRIDGEWATER AND MIDDLEBORO

Miles		615 Ex. Sun.	617 Ex. Sun.	★691 Sun. only	★619 Daily	633 Ex. Sun.	631 Ex. Sun.	637 Sun. only	641 Ex. Sun.	★703 Sat. only	671 Ex. Sun.	★709 Sat. only	667 Sat. only	681 Ex. Sun.	★795 Ex. Sat. & Sun.	697 Ex. Sun.	★711 Ex. Sun.	669 Sun. only	723 Ex. Sun.	741 Ex. Sun.	751 Ex. Sun.	763 Ex. Sun.	765 Daily	769 Ex. Sun.	757 Sun. only	775 Daily
		AM	AM	AM	AM	AM	AM	AM	AM	N'ON.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.
0 0	Boston, So Sta Lv.	6 40	7 20	7 30	7 35	9 20	9 35	11 05	11 35	12 00	12 15	12 20	12 32	1 35	3 00	3 05	3 48	4 05	4 10	4 40	5 05	6 03	7 35	9 05	9 35	10 45
10 1	Braintree	7 02				9 40	9 57	11 30	11 57					1 56		3 26		4 30		dd	5 28	6 27	7 57	9 27	10 00	11 08
11 4	South Braintree	7 05					10 00	11 33	12 00					1 59		3 29		4 34	4 30		5 31	6 30	8 00	9 30	10 04	11 11
12 9	Braintree Hlds	7 08																		5 06	5 34					
15 0	Holbrook	7 13				9 49	10 06	11 39	12 06				12=55								5 39	6 36	8 06	9 36	10 10	11 17
16 8	Avon, Mass	7 17						11 43					1=00	2 05		3 35		4 40	4 37	5 10						
18 5	Montello	7 21				9 55		11 47					1=04		3 130			4 44	4 41	5 14						
20 0	Brockton	7 25	7 50	8 02	8 08	9 59	10 15	11 52	12 15	12=32	12 47	12=53	1=08	2 14		3 41		4 48	4 45	5 18	5 45	6 42	8 12	9 40	10 16	11 23
21 6	Campello	7 27				9 03	10 18	11 55	12 18				1=15	2 18		3 44	4 20	4 53	4 50	5 23	5 50	6 46	8 16	9 45	10 20	11 27
26 9	Bridgewater	7 47	8 00	8 12	8 19					12=42	12 56	1=02					4 31	5 06	5 02		6 02			9 58	10 33	11 39
30 5	South Bridgewater				8 24						1 02							5 12	5 08		6 08				10 36	11 43
34 6	Middleboro Due	8 00	8 10	8 22	8 30					12=52	1 08	1=12					4 41	5 19	5 15		6 15			10 08	10 45	11 52
		AM	AM	AM	AM	AM	AM	AM	AM	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.

MIDDLEBORO, BRIDGEWATER AND BROCKTON TO BOSTON

Miles		604 Ex. Sun.	608 Ex. Sun.	622 Daily	648 Ex. Sun.	★664 Ex. Sun.	618 Sun. only	★670 Ex. Sun.	680 Ex. Sun.	★696 Ex. Sun.	684 Sun. only	702 Ex. Sun.	★786 Ex. Sun.	700 Sat. only	712 Ex. Sat.	714 Ex. Sun.	736 Sun. only	720 Ex. Sun.	728 Ex. Sun.	★726 Daily	★738 Daily	758 Ex. Sun.	764 Ex. Sun.	★760 Sun. only	★770 Sun. only	768 Daily
		AM	AM	AM	AM	AM	AM	AM	AM	AM	AM	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.
0 0	Middleboro Lv.		5 10	5 50	6 33	6 52	7 19	7 19		10 35	10 56		1 08			2 41				5 03	6 08			8 18		
4 1	South Bridgewater			5 56		6 58										3 45				5 15	6 18					
7 7	Bridgewater		5 20	6 02	6 43	7 04	7 29	7 29		10 49	11 46		1 18			3 55								8 28		
18 0	Campello	4 42	5 30	6 10	6 51	7 11	7 30		9 26		10 55	12 02		1=32	2 05	4 00						8 02				
14 6	Brockton	4 46	5 34	6 14	6 55	7 15	7 34	7 40	9 30	11 02	11 00	12 06	1 28	1=36	2 09	4 04				5 28	6 28	6 35	8 06	8 38	9 23	9 32
16 1	Montello	4 50	5 38	6 18	6 59	7 19	7 38		9 34		11 04			1=40		4 08						6 39	8 11			
17 8	Avon, Mass	4 54	5 42	6 22	7 03						11 08															
19 6	Holbrook	4 58	5 46	6 26	7 07		7 44		9 40		11 12	12 15		1=46	2 16	4 14		4 46				6 45	8 17			9 39
21 7	Braintree Hlds		5 50	bb 7 11			7 47				11 16															
23 2	So. Braintree Due	5 04	5 53	bb 7 14			7 51				11 20	12 22			2 23	4 20		4 52				6 52	8 23			
24 5	Braintree	5 07	5 56	bb 7 17			7 55		9 49		11 23	12 25		1=54	2 26	4 23		4 55				6 55	8 26			9 47
34 6	Boston, So Sta Due	5 30	6 20	6 55	7 30	7 47	8 20	8 10	10 10	11 35	11 50	12 45	2 00	2=15	2 45	4 40	5 15	6 05	7 00	7 25	8 45	9 10		9 35	10 05	
		AM	AM	AM	AM	AM	AM	AM	AM	AM	AM	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.

Also runs Mon. Sept. 5 — Also runs Monday, Sept. 5 — Discont'd after Aug. 28.

‡ Daily except Saturdays and Sundays.
† Sundays only.
% Also runs Monday, Sept. 5.

f Stops on signal.
s Saturdays only.
aa Stops Saturdays only at Montello 12 10 P.M.

bb Stops Sundays only at Braintree Highlands 6 29 A.M., South Braintree 6 31 A.M. and Braintree 6 35 A.M.
dd Stops Saturdays only at Braintree 5 00 P.M.

BOSTON TO SOUTH SHORE POINTS

Miles		621 Ex. Sun.	627 Sun. only	★629 Ex. Sun.	★643 Sat. only	653 Sat. only	631 Ex. Sat. & Sun.	675 Sun. only	659 Sat. only	685 Sun. only	689 Ex. Sun.	★699 Ex. Sun.	715 Ex. Sat. & Sun.	★713 Ex. Sat. & Sun.	★729 Ex. Sat. & Sun.	★731 Sat. only	743 Ex. Sat. & Sun.	677 Sun. only	755 Ex. Sun.	749 Sun. only	767 Ex. Sun.	773 Ex. Sun.
		AM	AM	AM	AM	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.
0 0	Boston, South Sta. Lv.	7 50	9 05	10 05	11 20	12 10	12 25	1 05	1 20	2 05	2 35	3 15	3 45	3 51	4 16	4 16	4 44	5 05	5 15	8 35	8 45	10 20
10 1	Braintree	8 06	9 20	10 21	11 41	12 28	12 43	1 21	1 39	2 20	2 50	3 30	3 55					5 30	5 41	9 00	9 03	10 45
11 9	Weymouth	8 12	9 34	10 35	11 45	12 32	12 47	1 25	1 43	2 24	2 54	3 34	3 59	4 12	4 37	4 37	5 03	5 34	5 45	9 04	9 07	10 49
13 3	Weymouth Heights	8 15	9 37	10 38	11 48	12 35	12 50	1 28	1 46	2 27	2 57	3 37	4 02			4 40	5 06		5 48			
14 6	East Weymouth	8 19	9 40	10 41	11 51	12 39	12 54	1 32	1 50	2 31	3 01	3 41	4 06	4 17	4 42	4 42	5 08	5 39	5 51	9 09	9 12	10 54
17 2	Hingham	8 24	9 45	10 47	11 56	12 43	12 58	1 37	1 54	2 35	3 05	3 45	4 10	4 21	4 48	4 48	5 14	5 45	5 57	9 14	9 17	10 59
21 7	Cohasset	8 31	9 52		12 03	12 50	1 05		2 01	2 52	3 23	3 57		4 29	4 55	4 59	5 25	5 51		9 21	9 24	11 06
23 5	North Scituate	8 37	9 57		12 08	12 55	1 10		2 06	2 57	3 28	4 02		4 34	5 00	5 04	5 30	5 56		9 26	9 29	11 11
24 8	Egypt	8 40	10 00		12 11	12 58	1 13		2 09	3 00	3 31	4 05		4 37	5 03	5 07	5 33	5 59		9 29	9 32	11 14
26 6	Scituate	8 44	10 04		12 15	1 02	1 17		2 13	3 04	3 35	4 09		4 41	5 07	5 11	5 37	6 03		9 33	9 36	11 18
27 8	Greenbush Due	8 47	10 07		12 18	1 05	1 20		2 17	3 07	3 38	4 12		4 44	5 11	5 14	5 40	6 06		9 36	9 39	11 21
29 9	Marshfield Hills		10 13			1 11							4 30									
31 0	Sea View		10 17			1 15							4 33									
32 3	Marshfield Centre		10 21			1 19																
34 4	Marshfield		10 26			1 24							4 40									
36 6	Green Harbor																					
37 7	Duxbury		10 34			1 31							4 48									
39 1	South Duxbury Due		10 38			1 35							4 50									
		A.M.	A.M.	A.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.

SOUTH SHORE POINTS TO BOSTON

Miles		616 Ex. Sun	634 Ex. Sun.	★652 Ex. Sun.	★660 Ex. Sat. & Sun.	★660 Sat. only	★658 Ex. Sat. & Sun.	688 Sun.	632 Sun. only	742 Ex. Sun.	★698 Ex. Sun.	710 Ex. Sun.	724 Sun only	740 Sun only	730 Ex. Sun.	★734 Ex. Sun.	★734 Sun. only	752 Daily			
		A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.			
0 0	South Duxbury Lv.					6a30	6 54							3 22			6 17				
1 4	Duxbury					6a36	6 59							3 27			6 21				
2 5	Green Harbor																				
4 7	Marshfield					6a42	7 05							3 33			6 27				
6 8	Marshfield Centre																6 30				
8 1	Sea View					6a48	7 11							3 39			6 33				
9 2	Marshfield Hills					6a52	7 14							3 42			6 36				

MIDDLEBORO, BRIDGEWATER AND BROCKTON TO BOSTON

Miles		604 Ex. Sun.	608 Ex. Sun	622 Daily	648 Ex. Sun	★664 Ex. Sun.	618 Sun. only	★670 Ex. Sun.	680 Ex. Sun.	★696 Ex. Sun.	684 Sun. only	702 Ex. Sun.	★786 Ex. Sun	700 Sat. only	712 Ex. Sat.	714 Ex. Sun.	736 Sun. only	720 Ex. Sun	728 Ex. Sun	★726 Daily	★738 Daily	758 Ex. Sun.	764 Ex. Sun.	★760 Sun. only	★770 Sun. only	768 Daily
		A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.
0	0 Middleboro Lv.		5 10	5 50	6 35	6 59	7 12	7 19		10 55	10 50		1 08			2 41				5 03	6 08			8 18		
4	1 South Bridgewater			5 56		7 06																				
7	7 Bridgewater		5 20	6 02	6 49	7 04	7 29	7 29		10 49	10 44		1 18			2 55				5 15	6 18			8 28		
13	0 Campello	4 42	5 30	6 10	6 51	7 11	7 50		9 26		10 55	12 04		‡ 2 03	3 00		3 00	4 00	4 34				8 02		9 28
14	6 Brockton	4 46	5 34	6 14	6 55	7 15	7 54	7 40	9 30	11 02	11 00	12 08	1 28	‡ 2 06	3 04		3 04	4 04	4 38	5 28	6 28	6 33	8 06	8138	9123	9 32
16	1 Montello	4 50	5 38	6 18	6 59	7 19	7 58		9 34		11 04				3 08		3 08	4 08				6 39	8 11			
17	8 Avon, Main	4 54	5 42	6 22	7 03						11 08				3 12		3 12									
19	6 Holbrook	4 58	5 46	6 26	7 07		7 44		9 40		11 12	12 15	Discont'd after Sept. 18.	‡ 2 16	3 16		3 16	4 14	4 46			6 45	8 17			9 39
21	7 Braintree Hids		5 50	bb 7 11			7 47				11 16															
23	2 So. Braintree Due	5 04	5 58	bb 7 14			7 51				11 20	12 23			3 22		3 22	4 20	4 52			6 52	8 23			
24	5 Braintree	5 07	5 56	bb 7 17			7 55		9 42		11 25	12 25		‡ 2 24	3 25		3 25	4 23	4 55			6 55	8 26			9 47
34	6 Boston, So Sta Due	5 30	6 20	6 55	7 39	7 47	8 20	8 10	10 10	11 35	11 50	12 45	2 00	2 15	3 45		3 50	4 40	5 15	6 05	7 00	7 25	9 45	9110	9153	10 05
		A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.

Also runs Monday, Sept. 4.
Also runs Monday, Sept. 4.
Discont'd after Aug. 28.

‡ Daily except Saturdays and Sundays.
‖ Sundays only.
% Also runs Monday, Sept. 5.

f Stops on signal.
s Saturdays only.
aa Stops Saturdays only at Montello 12 10 P.M.

bb Stops Sundays only at Braintree Highlands 6 20 A.M., South Braintree 6 31 A.M. and Braintree 6 35 A.M.
dd Stops Saturdays only at Braintree 5 00 P.M.

BOSTON TO SOUTH SHORE POINTS

Miles		621 Ex. Sun	627 Sun. only	★629 Ex. Sun	★645 Sat. only	655 Sat. only	651 Ex. Sat. & Sun.	675 Sun. only	659 Sat. only	685 Sun. only	689 Ex. Sun	★699 Ex. Sun.	715 Ex. Sat. & Sun	★713 Ex. Sat. & Sun.	★729 Ex. Sat. & Sun	★731 Sat. only	743 Ex. Sat. & Sun.	677 Sun. only	755 Ex. Sun.	749 Sun. only	767 Ex. Sun.	773 Ex. Sun.
		A.M.	A.M.	A.M.	A.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.
0	0 Boston, South Sta. Lv.	7 50	9 05	10 05	11 20	12 10	12 25	1 05	1 20	2 05	2 35	3 15	3 45	3 51	4 16	4 16	4 44	5 05	5 15	8 35	8 45	10 20
10	1 Braintree	8 06	9 20	10 21	11 41	12 28	12 43	1 23	1 39	2 23	2 53	3 33										
11	6 Weymouth	8 12	9 26	10 26	11 46	12 33	12 48	1 28	1 44	2 28	2 58	3 38		4 12	4 37	4 37	5 03	5 30	5 41	9 00	9 03	10 45
13	3 Weymouth Heights	8 15	9 29	10 29	11 49	12 36	12 51	1 31	1 47	2 31	3 01	3 41										
14	0 East Weymouth	8 19	9 33	10 33	11 53	12 40	12 55	1 35	1 51	2 35	3 05	3 45		4 17	4 42	4 42	5 08	5 34	5 47	9 06	9 12	10 54
17	2 Hingham	8 24	9 38	10 38	11 58	12 45	1 00	1 40	1 56	2 40	3 10	3 50		4 24	4 48	4 48	5 14	5 40	5 53	9 12	9 18	10 59
21	7 Cohasset	8 31	9 50		12 03	12 50	1 05		2 01	2 52	3 22	4 02		4 36	5 03	5 03	5 29	5 55	6 08	9 27	9 34	11 06
23	5 North Scituate	8 37	9 57		12 10	12 57	1 12		2 08	2 59	3 29	4 09		4 43	5 10	5 10	5 36	6 02	6 15	9 34	9 41	11 13
24	8 Egypt	8 40	10 00		12 13	1 00	1 15		2 11	3 02	3 32	4 12		4 46	5 13	5 13	5 39	6 05	6 18	9 37	9 44	11 16
26	6 Scituate	8 44	10 04		12 17	1 04	1 19		2 15	3 06	3 36	4 16		4 50	5 17	5 17	5 43	6 09	6 22	9 41	9 48	11 20
27	8 Greenbush Due	8 47	10 07		12 20	1 07	1 22		2 18	3 09	3 39	4 19		4 53	5 20	5 20	5 46	6 12	6 25	9 44	9 51	11 23
29	9 Marshfield Hills		10 13										4 30									
31	0 Sea View		10 17										4 33									
32	3 Marshfield Centre		f10 21																			
34	4 Marshfield		10 26										4 40									
35	6 Green Harbor																					
37	7 Duxbury		10 34										4 48									
39	1 South Duxbury Due		10 38										4 52									
		A.M.	A.M.	A.M.	A.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.

SOUTH SHORE POINTS TO BOSTON

Miles		616 Ex. Sun	634 Ex. Sun.	★632 Ex. Sun.	★660 Ex. Sat. & Sun.	★660 Sat. only	★658 Ex. Sat. & Sun.	688 Sun.	632 Sun. only	742 Sat.	★698 Ex. Sun	710 Sun.	724 Sun only	740 Sun only	730 Ex. Sun.	★734 Ex. Sun.	★734 Sun. only	752 Daily			
		A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.			
0	0 South Duxbury Lv.					6a30	6154							3122			8117				
1	4 Duxbury					6a36	6159							3127			8121				
2	6 Green Harbor																				
4	3 Marshfield					6a42	7106							3133			8127				
6	8 Marshfield Centre																f8130				
8	1 Sea View					6a48	7111							3139			8133				
9	2 Marshfield Hills					6a52	7114							3143			8137				
11	5 Greenbush Lv.	5 45	6 21	6 42	6157	6a57		7 45	7148	9 18		11 41		3148		6 42	8142	8 58			
12	2 Scituate	5 49	6 24	6 46	7200	7a00		7 48	7151	9 19		11 43		3151		6 45	8145	10 03			
14	3 Egypt	5 53	6 28	6 50	7204	7a04		7 52	7155	9 23		11 47		3155							
15	4 North Scituate	5 56	6 32	6 53	7207	7a07		7 55	7158	9 26		11 50		3158		6 53	8152				
17	4 Cohasset	6 00	6 37	6 57	7211	7a11		8 00	8002	9 30		11 54		4a02		6 58	8156	10 11			
21	9 Hingham	6 08	6 45	7 04	7219	7a19		8 08	8010	9 38		12 02		4a10		7 06	8204	10 19			
24	5 East Weymouth	6 13	6 50		7224	7a24		8 13	8015	9 43		12 07		4a15		7 11	8209	10 23			
25	8 Weymouth Heights	6 16	6 53					8 16	8018	9 46		12 10		4a18							
27	5 Weymouth	6 19	6 57		7229	7a29		8 19	8021	9 49		12 13		4a21		7 17	8213	10 28			
29	0 Braintree Due		7 01					8 23	8025	9 53		12 17		4a25		7 21	8217	10 32			
39	1 Boston, South Sta. Due	6 42	7 30	7 50	7150	7a50	7159	8 40	8050	10 15		12 48		4a50		7 45	8245	10 49			
		A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	A.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.			

★ Regularly assigned cars AIR-CONDITIONED.
‡ Daily except Saturdays and Sundays.

‖ Sundays only.
f Stops on Signal.

s Saturdays only.

EXHIBIT A—SHEET 7

Eastern Standard Time

BOSTON TO HYANNIS

Miles		✱817 Ex. Sun.	691 Sun. only	✱819 Daily	703 Sat. only	✱671 Ex. Sun.	797 Ex. Sat. & Sun.	709 Sat. only	795 Ex. Sat. & Sun.	✱711 Ex. Sun.
		A.M.	A.M.	A.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.
0.0	Boston, South Station Lv.	7 20	7 30	7 55	12 00	12 15		12 20	3 00	3 48
20.0	Brockton	7 50	8 02	8 06	12 32	12 47		12 53	3 30	4 20
26.9	Bridgewater	8 00	8 12	8 19	12 42	12 56		1 02		4 31
34.8	Middleboro	8 14	8 24	8 34	12 54	1 10		1 14		4 43
40.8	Wareham	8 25	8 35	8 45	1 02	1 20			4 09	4 53
51.8	Onset			9 01	1 17	1 35				5 08
54.6	Buzzards Bay Due	8 44	8 54	9 07	1 21	1 39		1 42	4 16	5 13
54.6	Buzzards Bay Lv.			9 15			1 14	1 42		5 18
60.8	Sandwich			9 23			1 30			5 27
69.7	West Barnstable			9 37			1 50			5 42
73.8	Barnstable			9 44			2 00			5 49
76.8	Yarmouth Due			9 49			2 11			5 54
79.9	Hyannis Due			9 55			2 24			6 00
		A.M.	A.M.	A.M.	P.M.	P.M.	P.M.	P.M.	P.M.	P.M.

Discontinued after Sept. 16. Will run except Sundays after Sept. 2. Discontinued after Sept. 2. Discontinued after Sept. 2.

HYANNIS TO BOSTON

Miles		✱684 Ex. Sun.	✱670 Ex. Sun.	✱696 Ex. Sun.	788 Ex. Sun.	✱726 Daily	✱738 Daily	760 Sun. only	770 Sun. only
		A.M.	A.M.	A.M.	P.M.	P.M.	P.M.	P.M.	P.M.
0.0	Hyannis Lv.	5 45		9 30		3 50			8 00
2.4	Yarmouth Lv.	5 51		9 36		3 56			8 06
6.0	Barnstable			9 51		4 01			
9.5	West Barnstable	6 00		9 57		4 07			8 16
16.7	Sandwich	6 10		0 48		4 17			
24.6	Buzzards Bay Due	6 28		10 00		4 30			8 38
24.6	Buzzards Bay Lv.	6 28	6 51	10 07	12 35	4 34	5 38	7 49	8 38
27.0	Onset	6 28	6 56	10 12	12 44	4 39	5 43	7 54	
30.9	Wareham	6 32	7 00	10 18	12 48	4 43	5 48	7 59	
44.6	Middleboro Due	6 50	7 18	10 36	1 06	5 03	6 06	8 16	
52.5	Bridgewater	7 04	7 29	10 49	1 18	5 15	6 18	8 28	
59.3	Brockton	7 15	7 40	11 02	1 28	5 25	6 28	8 38	9 23
79.2	Boston, South Station Due	7 47	8 10	11 35	2 00	6 03	7 00	9 10	9 53
		A.M.	A.M.	A.M.	P.M.	P.M.	P.M.	P.M.	P.M.

Discontinued after Sept. 16. Discontinued after Aug. 28. Also runs Mon., Sept. 5. Also runs Monday, Sept. 5. Discontinued after Aug. 28.

BOSTON TO WOODS HOLE

Miles		✱617 Ex. Sun.	✱691 Sun. only	✱703 Sat. only	✱671 Ex. Sun.	✱795 Ex. Sat. & Sun.	✱799 Ex. Sun.
		A.M.	A.M.	P.M.	P.M.	P.M.	P.M.
0.0	Boston, So. Sta. Lv	7 20	7 30	12 00	12 15	3 00	3 48
19.8	Buzzards Bay	8 48	8 58	1 24	1 41	4 16	4 37
23.8	Monument Beach	8 52	9 02	1 28	1 45	4 20	4 41
26.2	Pocasset	8 56	9 06	1 32	1 49	4 24	4 45
30.1	Cataumet	9 00	9 12	1 36	1 53	4 28	4 49
31.8	North Falmouth	9 06	9 16	1 42	1 59	4 34	4 55
34.6	West Falmouth	9 10	9 20	1 46	2 03	4 38	4 59
38.4	Falmouth	9 16	9 26	1 52	2 09	4 44	5 05
75.0	Woods Hole Due	9 40	9 50	2 16	2 33	5 08	5 29
		A.M.	A.M.	P.M.	P.M.	P.M.	P.M.

Discontinued after Sept. 16.

WOODS HOLE TO BOSTON

Miles		✱670 Ex. Sun.	✱790 Ex. Sun.	✱788 Ex. Sun.	✱738 Daily	✱760 Sun. only
		A.M.	A.M.	P.M.	P.M.	P.M.
0.0	Woods Hole Lv	6 15	9 20	12 00	5 00	7 10
3.8	Falmouth	6 22	9 27	12 07	5 07	7 17
7.4	West Falmouth	6 29	9 34	12 14	5 14	7 24
10.7	North Falmouth	6 35	9 41	12 20	5 20	7 31
11.9	Cataumet	6 38	9 44	12 23	5 23	7 34
13.8	Pocasset	6 41	9 48	12 27	5 27	7 38
15.6	Monument Beach	6 44	9 52	12 30	5 30	7 42
17.4	Buzzards Bay Due	6 48	9 57	12 34	5 34	7 46
75.0	Boston, So. Sta. Due	8 10	11 35	2 00	7 00	9 10
		A.M.	A.M.	P.M.	P.M.	P.M.

Discontinued after Sept. 16. Also runs Sept. 5.

✱ Regularly assigned cars AIR-CONDITIONED.
† Daily except Saturdays and Sundays.
‖ Also runs September 1.

‡ Sundays only.
§ Saturdays only.

[fol. 26] EXHIBIT B, ANNEXED TO TRUSTEES' ANSWER

Stations

On Lines of Old Colony in Massachusetts

Easton	East Walpole	Stanley
Whittendon	Morrills	Norton
Ferry Street	Bass River	South Wellfleet
Gray Gables	South Dennis	Wellfleet
Bourne	North Harwich	South Truro
Sagamore	Harwich	Truro
East Sandwich	Pleasant Lake	North Truro
East Freetown	Brewster	Provincetown
Weld Street	East Brewster	Randolph
Brayleys	Orleans	East Braintree
North Attleboro	Eastham	West Hingham
Plainville	North Eastham	Nantasket Junction
Wampum	Rock	North Cohasset
Lake Pearl	South Middleboro	Black Rock
Wrentham	Tremont	Beechwood
Pondville	Matfield	North Hanson
Walpole Heights	Westdale	Burrage
	Halifax	
	Plympton	

On Lines of Old Colony in Rhode Island

Tiverton	Bristol Ferry	Portsmouth
Middletown		Newport

On Lines of Boston and Providence in Massachusetts

Spring Street	Sharon Heights	Forest Hills
East Foxboro	Springdale	Jamaica Plain
West Mansfield	West Stoughton	Boylston Street
	Mount Hope	

On Lines of New England in Massachusetts

Ashcroft	Morton Street	Medfield Junction
City Mills	Dorchester	Clicquot
Highland Lake	Harvard Street	Millis
Plimptonville	Mt. Bowdoin	Medway
Winslows	Bird Street	West Medway
Fairmount	Uphams Corner	Caryville
River Street	Charles River	North Bellingham
Blue Hill Avenue	Dover	Bellingham Junction
	Farm Street	

[fol. 27] IN UNITED STATES DISTRICT COURT

[Title omitted]

APPEARANCE OF COMMONWEALTH OF MASSACHUSETTS

In the matter of petition for Order No. 289, the Clerk of this Court will please enter my appearance as attorney for the Commonwealth of Massachusetts. The said Commonwealth desires to appear herein in opposition to said petition.

Commonwealth of Massachusetts, Represented by Edward A. Pecce, Asst. Attorney General.

July 7, 1938.

[fol. 28] IN UNITED STATES DISTRICT COURT, DISTRICT OF CONNECTICUT

No. 16562

In the Matter of THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY, Debtor

FINDINGS OF FACT, MEMORANDUM OF DECISION AND ORDER ON PETITION FOR ORDER 289

On October 23, 1935, the New Haven Railroad Company under Section 77 of the Bankruptcy Act filed in this court its petition for reorganization, and trustees were appointed upon its estate, who later rejected the lease of the properties of the Old Colony Railroad Company. This lease had been made in 1893, and the property of the Old Colony Railroad Company has been operated as an integral part of the New Haven system ever since. Upon rejection of the lease, the Old Colony Railroad Company on June 3, 1936 filed its petition for reorganization as a secondary debtor in these proceedings and upon the prayer of its petition the court ordered the New Haven trustees to continue the operation of Old Colony properties for the account of Old Colony Railroad Company. The properties have thus been operated until the present time.

By the petition now before the court for decision, Old Colony Railroad Company, debtor, together with the Protective Committee of its shareholders and the so-called

Mutual Savings Bank Group Committee, which is a committee representing a large amount of bonds upon the Old [fol. 29] Colony property, and upon other segments of the New Haven system, allege that the operation of Old Colony properties as aforesaid has resulted in substantial losses resulting in the impairment of its capital and assets. The petition further alleges that the trustees in an effort to accomplish carefully considered economies on December 23, 1937 had applied to the Department of Public Utilities of the Commonwealth of Massachusetts for approval of the abandonment of some 88 passenger stations and advised the Department of time tables proposed to be effective March 27, 1938, which contemplated the discontinuance of certain trains and certain rearrangements in train service; that thereupon the Department on its own motion entered into an investigation and ordered hearings which were begun on February 23, 1938, and have been continued from time to time on approximately twenty days from that date until June 16, 1938, and that said hearings are not yet closed. The petitioners seek an order directing the trustees forthwith to effect desirable and proper economies in operation of Old Colony properties.

At the hearing upon said petition which was duly noticed the petitioners and the trustees appeared by counsel and offered evidence. The Commonwealth of Massachusetts appeared generally by its Assistant Attorney General in opposition to the petition and sought and obtained permission to cross examine petitioners' witnesses, but thereafter waived cross examination.

Findings of Fact

1. By my memorandum of decision dated July 2, 1938, upon the accounting of the trustees; I found that the estate of the Old Colony Railroad was chargeable with the sum of $11,789,037.22 on account of the operation of its owned and leased properties from October 24, 1935 to [fol. 30] December 31, 1937, such charge to have priority over the Old Colony mortgage. Of this charge, the sum of $5,775,650. represented the deficit in the operation of property owned by Old Colony.

2. For the calendar year 1937, the deficit in net railway operating income of the property owned by Old Colony was $2,360,862.29, the freight service resulting in a credit

of $275,278.51 and the passenger service in a deficit of $2,636,140.80. Thus far during the year 1938 these deficits are increasing at an even greater rate.

3. Substantially every line owned by the Old Colony is now paralleled with hard-surfaced highways. From 1925 to 1935 the expenditures of the Commonwealth of Massachusetts for highway purposes has increased from about $12,881,000. to $36,719,000., and the number of private automobile registrations issued by the Commonwealth has increased from about 223,000 in 1920 to about 770,000 in 1937. During the same period the number of passengers carried by rail into and out of Boston via the Atlantic, Back Bay and Dorchester gateways has decreased from 29,681,901 to 14,705,115. The record contains no indication of any change in the Massachusetts policies, and specifically policies relating to highway construction and maintenance, to gasoline and other taxes, and to the cost of motor vehicle registrations, which would affect existing conditions of competition between rail and highway travel.

4. By the elimination of about 93 passenger stations, 53 on lines owned by the Old Colony in Massachusetts, 5 on lines owned by Old Colony in Rhode Island, 10 on lines owned by the Boston and Providence in Massachusetts, and 25 on lines of the New England in Massachusetts, and by a revision of the train service, and by other economies that would thereby become possible, the deficit in [fol. 31] operation accruing against the Old Colony estate alone could be reduced by an amount exceeding $658,899. annually.

5. Operating conditions are such that in order to obtain the effect of the economies referred to in paragraph 4 hereof, it is impossible to accomplish the operating changes upon the lines of the Old Colony without also making certain correlative changes upon lines of Boston and Providence and the New England lines. But these lines also are now failing to earn their operating expenses and the effect of said changes will be to reduce their deficits also in net railway operating income.

6. The Department of Public Utilities of the Commonwealth of Massachusetts has entered no order in the premises and a stipulation was incorporated in the record at the request of the Commonwealth from which it appears

that the allegations of Paragraph 6 of the petition, as summarized above, are true.

Upon the foregoing facts and upon the whole record, I come to the following

CONCLUSIONS

1. That during the last twenty years the chief contributory cause of the reduction in passenger traffic by rail, at least in the affected area, is the increase of highway competition, especially by the private automobile and that the greater part, at least, of this reduction is permanent.

This conclusion, in so far as it relates to the past and present, is an inevitable inference from proved facts. In so far as it relates to the future, it is partly the product [fol. 32] of opinion. But the court's opinion embodied in this conclusion, as well as those stated below, is based upon uncontradicted and wholly competent expert testimony including that of Professor Cunningham of Harvard University, who is an expert of national reputation upon railroad problems including those relating to competition between rail and highway competition.

2. The reorganization of the Old Colony cannot be accomplished without the operating changes contemplated, concerning which evidence was offered.

Under Section 77 of the Bankruptcy Act, the court can confirm a plan only if satisfied that the debtor's probable earnings will adequately cover its fixed charges. Reorganization is legally and economically impossible for a railroad which cannot earn its operating expenses. For about three years these properties have been operated by the court through its trustees and during that time every practical means of increasing traffic revenues has received careful consideration. Notwithstanding, it has proved impossible to operate on the basis of present service without a deficit. At the same time, an equal attention to the reduction of operating costs and taxes has proved ineffective to eliminate the deficit. Railroad labor is the largest single item of cost and it is impracticable, if not impossible, to negotiate for lower labor rates upon these lines independently of negotiation on a national scale. The emergency now existing on these lines will not permit of the delay

and uncertainty inherent in such a program. Thus the only alternative is the elimination of service which fails to attract sufficient patronage to be self-supporting.

3. Continuation of passenger service upon the present basis will jeopardize the ability of Old Colony to render freight service which is indispensable to the territory served. [fol. 33] A privately-owned railroad cannot operate without capital, and Old Colony capital is now being depleted at a rate exceeding $10,000 per day.

4. The changes sought are in the public interest.

So much of the passenger service as it is now proposed to terminate, unlike the freight service, is not indispensable to the community served. The changes will unfortunately cause inconvenience to some. But it will also make for faster and more satisfactory service to others. And it is reasonable to assume that transportation by highway will be available to those, comparatively few in numbers, who find themselves without service by rail. But whether the balance of convenience to passengers lies on one side or the other, it is clear that the public interest in the long run will best be served by a policy which is calculated to protect indispensable freight service and to preserve that portion of the passenger service which is shown by experience to be the more vital rather than a policy which is daily bringing nearer the destruction of the entire enterprise.

5. Failure to grant the relief sought would result in the confiscation of private property.

Thus in Mississippi Railroad Commission v. Mobile & Ohio Railroad Co., 244 U. S. 388, where the court was considering an order of a state commission requiring a railroad company to restore certain passenger trains to service, it was said:

"But, while the scope of this power of regulation over carriers is very great and comprehensive, the property which is invested in the railways of the country is nevertheless under the protection of the fundamental guaranties [fol. 34] of the Constitution and is entitled to as full protection of the law as any other private property devoted to a public use, and it cannot be taken from its owners without just compensation or without due process of law. Wisconsin, Minnesota & Pacific R. R. v. Jacobson, 179 U. S.

287; Atlantic Coast Line R. R. Co. v. North Carolina Corporation Commission, 206 U. S. 1; Northern Pacific Ry. Co. v. North Dakota, 236 U. S. 585; Chicago, Milwaukee & St. Paul R. R. Co. v. Wisconsin, 238 U. S. 491.

"If this power of regulation is exercised in such an arbitrary or unreasonable manner as to prevent the company from obtaining a fair return upon the property invested in the public service it passes beyond lawful bounds, and such action is void, because repugnant to the due process of law provision of the Fourteenth Amendment to the Constitution of the United States. Atlantic Coast Line R. R. Co. v. North Carolina Corporation Commission, 206 U. S. 1; Missouri Pacific Ry. Co. v. Nebraska, 217 U. S. 196; Missouri Pacific Ry. Co. v. Tucker, 230 U. S. 340; Northern Pacific Ry. Co. v. North Dakota, 236 U. S. 585."

ORDER

And so upon the record herein and upon the conclusions of the court based thereon,

It is hereby ordered and decreed:

1. That the Trustees hereby are directed as promptly as possible to make effective the operating economies recommended by them by publishing and putting into effect schedules substantially those recommended by them and annexed [fol. 35] to their answer, marked "Exhibit A", and by discontinuing, in their discretion, stops of passenger trains at the stations listed in Exhibit "B" annexed to their answer, and to continue such schedules in effect until and unless they, in their discretion, determine that changes in schedules are desirable because of seasonal changes in service requirements, because of changed business conditions, or for other reasons.

2. That the Trustees be and hereby are directed to continue to investigate the possibility of further operating economies upon and in connection with the lines of Old Colony Railroad Company and Boston and Providence Railroad Corporation and to report to this court their recommendations with respect thereto from time to time.

Dated at New Haven this 9th day of July, 1938.

C. C. Hincks, United States District Judge.

[fol. 36] IN UNITED STATES DISTRICT COURT

[Title omitted]

PETITION TO STAY EXECUTION AND ENFORCEMENT OF ORDER No. 289

Now comes the Commonwealth of Massachusetts interested in the above entitled cause and respectfully represents that:

1. On the 9th day of July, 1938, this Honorable Court made an order numbered 289 in connection with the above entitled cause.

2. That said Commonwealth intends, in good faith, to appeal from said order of this Court.

Wherefore, said Commonwealth hereby respectfully petitions this Honorable Court to stay the execution and enforcement of said order pending said appeal.

Commonwealth of Massachusetts, Represented by
Edward A. Pecce, Asst. Attorney General.

July 14, 1938.

Petition denied. C. C. Hincks, U. S. D. J.

[fol. 37] IN UNITED STATES DISTRICT COURT, FOR THE DISTRICT OF CONNECTICUT

In Proceedings for the Reorganization of a Railroad

No. 16562

In the Matter of THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY, Debtor

STATEMENT OF THE EVIDENCE

The following is a statement of the material evidence produced upon the trial in the above entitled cause necessary for the consideration of the errors assigned:

OPENING STATEMENT

An opening statement was made by Counsel for the Savings Bank Group Committee, in part as follows:

The Mutual Savings Bank Group Committee represents $7,368,000 Old Colony bonds, which is over 50% of the outstanding bonds in the amount of $14,348,000. Over a year

and one-half ago our Group Committee requested the Trustees to make studies for the purpose of bringing about economies in the Old Colony Railroad Company. Since then several studies have been made but economies have not been made effective. Subsequent to the time the Trus-
[fol. 38] tees filed their accounting indicating huge amounts charged against the Old Colony as a prior claim, our Group felt that they could wait no longer but must request the Court to take some action toward instructing the Trustees.

Mr. Cutter. (addressing the Court): I should like to incorporate by reference, in accordance with the practice ordered by the Court in these proceedings, certain matters already in the record in this cause. I have here a complete list of these documents which I will submit.

Judge Hincks: Unless someone cares to hear them verbally enumerated, I think it will be sufficient if you will hand them to the reporter for inclusion.

The following documents the material portions of which are hereinafter set forth or summarized were incorporated in the record:

(a) Petition of New Haven for Reorganization (Petition for Order No. 1)

On October 23, 1935, The New York, New Haven and Hartford Railroad Company, a citizen and resident of the State of Connecticut, petitioned the District Court of the United States for the District of Connecticut for an order approving its petition as properly filed under Section 77 of Chapter VIII of the acts of Congress relating to bankruptcy.

(b) Order Approving Petition of New Haven for Reorganization (Order No. 1)

This order reads in part as follows:

"Upon due consideration of the petition of The New
[fol. 39] York, New Haven and Hartford Railroad Company, the above named Debtor, verified October 23, 1935, and filed herein this day, stating that such Debtor is unable to meet its debts as they mature and that it desires to effect a plan of reorganization in accordance with Section 77 of Chapter VIII of the acts of Congress relating to bankruptcy, and the Court being satisfied that such petition

complies with said section and has been filed in good faith, it is Ordered:

"(1) That said petition be, and it hereby is approved as properly filed under Section 77 of Chapter VIII of the acts of Congress relating to bankruptcy.

* * * * * * *

"(8) That all persons, firms and corporations whatsoever, and wheresoever situated, located or domiciled, be and they hereby are restrained and enjoined from interfering with, seizing, converting, appropriating, attaching, garnisheeing, levying upon, or enforcing liens upon, or in any manner whatsoever disturbing any portion of the assets, goods, money, deposit balances, credits, choses in action, interests, railroads, properties, or premises belonging to, or in the possession of the Debtor, or from taking possession of, or in any way interfering with the same, or any part thereof, or from interfering in any manner with the operation of its railroad or properties or the carrying on of its business by the Debtor under the orders of this Court, or from commencing or continuing any suits against the Debtor wherein any bond, except a bond for costs, may be required of the Debtor herein, either during the pendency of said proceedings or of subsequent proceedings therein by appeal or otherwise: Provided, that suits or [fol. 40] claims for damages caused by the operation of trains, busses, or other means of transportation may be filed and prosecuted to judgment in any court of competent jurisdiction.

* * * * * * *

"(11) This Court reserves full right and jurisdiction to enter at any time such further orders in the premises as the Court may deem proper, including the right to amend, extend, limit, modify, or otherwise change or rescind the present order."

* * * * * * *

(c) Order Appointing Trustees for New Haven (Order No. 5)

This order is dated November 8, 1935, and reads in part as follows:

"The matter of the appointment of one or more trustees of the Debtor's property, pursuant to the requirements

of the amendment of August 27, 1935 to Section 77 of the Act of July 1, 1898, entitled 'An Act to establish a uniform system of bankruptcy throughout the United States', as amended, having come on for hearing on November 6, 1935, and it appearing to the Court that the Debtor has given notice of this hearing as directed in its Order No. 1 of October 23, 1935, and the Court having heard the recommendations of counsel representing the Debtor and certain insurance companies and savings banks as to the personnel of the trustees, and the Court being of the opinion that the appointment of trustees herein should not disturb the continuity of operations by the corporate organization of the Debtor and should be at minimum cost of the Debtor, and [fol. 41] that the appointment of three trustees would best serve the interests of all parties in interest, it is ordered:

"1. That Howard S. Palmer, President of the Debtor, of New Haven, W. M. Daniels, of New Haven, and James Lee Loomis of Granby, both of those later named being persons who within one year prior to the date of this order have not been officers, directors, or employees, of the Debtor, any subsidiary corporation, or any holding company connected therewith, be and they hereby are appointed Trustees of the Debtor's property.

* * * * * * *

"5. That said Trustees shall have, following said ratification and upon filing such bonds, all the title and shall exercise, subject to the control of this Court and consistently with the provisions of said amendatory Section 77, all of the powers of a trustee appointed pursuant to Section 44 of said Act or any other section of said Act, and, to the extent not inconsistent with said amendatory Section 77, the powers of a receiver in any equity proceeding, and, subject to the control of this Court and the jurisdiction of the Interstate Commerce Commission as provided by the Interstate Commerce Act as now or hereafter amended, the power to operate the business of the Debtor."

* * * * * * *

(d) Lease by the Old Colony Railroad Company to The New York, New Haven and Hartford Railroad Company, Dated February 15, 1893

By the above indenture the Old Colony Railroad Company leased its Railroad properties, together with its leased

[fol. 42] lines, to The New York, New Haven and Hartford Railroad Company for the term of ninety-nine years from March 1, 1893.

(e) Lease Dated April 7, 1888 of Boston and Providence Railroad Corporation to Old Colony Railroad Company

By the above indenture the Boston and Providence Railroad Corporation leased to the Old Colony Railroad Company its Railroad properties for a period of ninety-nine years.

(f) Report of Mailing of Notice of Disaffirmance of Lease Dated February 15, 1893 from Old Colony Railroad Company to The New York, New Haven and Hartford Railroad Company

This report of mailing reads in part as follows:

* * * * * * *

"That pursuant to authority granted in Orders No. 1 and No. 5 herein said Trustees have given notice to Old Colony Railroad Company of the disaffirmance and rejection of the unexpired lease dated February 15, 1893 from Old Colony Railroad Company to The New York, New Haven and Hartford Railroad Company."

* * * * * * *

(g) Petition of Old Colony Railroad Company for Reorganization Herein

This petition is dated June 2, 1936, and reads in part as follows:

* * * * * * *

"6. That on June 1, 1936, said Trustees gave formal [fol. 43] notice to the petitioner of their disaffirmance of said lease; that the afore-mentioned Order No. 1 provided among other things that the Debtor might prior to April 23, 1936 disaffirm any of its existing leases and that the performance by the Debtor of any lease within such period allowed for the disaffirmance thereof should not constitute or be evidence of the adoption or assumption by the Debtor

of any such lease or the waiver by it of its right to disaffirm the same; that by Order No. 56 herein the time within which any such disaffirmance might be made was extended to October 23, 1936; that Order No. 17 herein contains provisions that in case any lease should be disaffirmed or rejected by the Debtor or the Trustees of the Debtor, the operation of the leased property and any payments made [pursuant to the provisions of Order No. 1 paragraph (3) (b) herein] to comply with the obligations of the Debtor under any such lease 'shall be deemed to have been made for the account of the lessors and such payments shall be recovered, set off and made and charged on the earnings and or properties of the lessors prior to any mortgage or other lien thereon, by such method as the Court shall determine.'

"7. That the petitioner is now compelled to assume all the risks of operation of its lines of railroad and is a railroad corporation as defined in Section 77 of Chapter VIII of the acts of Congress relating to bankruptcy.

* * * * * * * * *

"2. That the Trustees of the property of the Debtor herein be authorized and directed to continue until further order to operate the petitioner's property for the account [fol. 44] of the petitioner, and to preserve such basic information and keep such records and accounts in addition to the accounts prescribed by the Interstate Commerce Commission as will permit of such a segregation and allocation as the necessities of the case may require of the earnings and expenses between said property and the remaining property under the administration of the Trustees."

* * * * * * * * *

(b) Order No. 74 Approving Petition of Old Colony Railroad Company for Reorganization Herein

This order is dated June 3, 1936, and reads in part as follows:

"1. That said petition be and it hereby is approved as properly filed under such Section 77.

"2. That until further order the Trustees of the property of the Debtor continue to possess and to operate the petitioner's property, such operation to be for the account

of the petitioner with all the powers, rights, privileges, duties and obligations with respect to said property as have been heretofore granted to and imposed upon or required of them with respect to the property of the Debtor pursuant to any and all of the orders heretofore entered by this Court in this proceeding, and to preserve such basic information and keep such records and accounts in addition to the accounts prescribed by the Interstate Commerce Commission as will permit of such a segregation and allocation as the necessities of the case may require between the [fol. 45] petitioner's property and the remaining property under the administration of the Trustees.

* * * * * * *

"4. That all persons, firms and corporations whatsoever and wheresoever situated, located or domiciled, be and they hereby are restrained and enjoined from interfering with, seizing, converting, appropriating, attaching, garnisheeing, levying upon, or enforcing liens upon, or in any manner whatsoever disturbing any portion of the assets, goods, money, deposit balances, credits, choses in action, interests, railroads, properties, or premises belonging to, or in the possession of the petitioner, or from taking possession of, or in any way interfering with the same, or any part thereof, or from interfering in any manner with the operation of its railroad or properties or the carrying on of its business under the orders of this Court, or from commencing or continuing any suits against the petitioner; provided, that suits or claims for damages caused by the operation of trains, busses, or other means of transportation may be filed and prosecuted to judgment in any court of competent jurisdiction."

* * * * * * *

"(i) Order No. 75 Appointing Trustees of Old Colony Railroad Company

This order is dated June 18, 1936, and reads in part as follows:

"Order Appointing Trustees of Old Colony Railroad Company

"The matter of the appointment of one or more trustees of the property of Old Colony Railroad Company, pursuant to the requirement of the amendment of August 27, 1935 to

[fol. 46] Section 77 of the Act of July 1, 1898, entitled 'An Act to Establish a Uniform System of Bankruptcy throughout the United States', as amended, having come on for hearing on June 18, 1936, and it appearing to the Court that Old Colony Railroad Company has given notice of this hearing as directed in the Court Order No. 74 of June 3, 1936, and the Court having heard the recommendations of counsel representing various parties in interest as to the personnel of the trustees, and the Court being of the opinion that the appointment of trustees herein should not disturb the continuity of operations of the railroad system of The New York, New Haven and Hartford Railroad Company as at present carried on by the trustees of that corporation and that the appointment of the Trustees of the New York, New Haven and Hartford Railroad Company would best serve the interests of all parties in interest, it is ordered:

"1. That Howard S. Palmer of New Haven, Connecticut, W. M. Daniels of New Haven, Connecticut, and James Lee Loomis of Granby, Connecticut, all being the Trustees of the property of The New York, New Haven and Hartford Railroad Company appointed by this Court, and each of those later named being a person who within one year prior to the date of this Order has not been an officer, director, or employee of Old Colony Railroad Company, any subsidiary corporation, or any holding company connected therewith, be and they hereby are appointed Trustees of the property of Old Colony Railroad Company.

. . . . . .

"5. That said Trustees shall have, following the qualifica-
[fol. 47] tion of each of them by said ratification and by filing such bonds, all the title and shall exercise, subject to the control of this Court and consistently with the provisions of said Section 77, as amended, all the powers of trustees appointed pursuant to Section 44 of said Act or any other section of said Act, and, to the extent not inconsistent with said Section 77, as amended, the powers of receivers in an equity proceeding, and, subject to the control of this Court and the jurisdiction of the Interstate Commerce Commission as provided by the Interstate Commerce Act as now or hereafter amended, the power to operate the business of Old Colony Railroad Company, and further, that upon the qualification of said Trustees in the manner aforesaid, title to all of the

property, real, personal and mixed, of every kind and nature whatsoever, of Old Colony Railroad Company shall by this order be vested in said Howard S. Palmer, W. M. Daniels and James Lee Loomis as Trustees of the property of Old Colony Railroad Company.

"6. That, inasmuch as the public interest and the interests of Old Colony Railroad Company and of The New York, New Haven and Hartford Railroad Company require that, until the further order of the Court, the railroad lines and property of Old Colony Railroad Company be operated as an integral part of the system of railroads now being administered by the Trustees of The New York, New Haven and Hartford Railroad Company, said Trustees of The New York, New Haven and Hartford Railroad Company, as such, be and they hereby are directed to continue to possess and operate the properties of Old Colony Railroad Company, such operation to be for the account of old Colony [fol. 48] Railroad Company or the Trustees of its property."

. . . . . .

(j) Order No. 17 Providing That in Case of Later Disaffirmance of Leases Payments Made Do Not Constitute Payments under Terms of Lease

This order is dated November 30, 1935, and reads in part as follows:

"This cause coming on for further hearing on petition of the Debtor with respect to amending Order No. 1 to provide that in case of subsequent disaffirmance payments made on leases should not be regarded as payments of rental or payments in compliance with other covenants in said leases, and the Court being fully advised in the premises, it is ordered:

"(1) That in case payments are made pursuant to the authority granted the Debtor in paragraph (3), sub-paragraph (b), of Order No. 1 to comply with the obligations of the Debtor under leases, and such leases shall be subsequently affirmed and adopted by the Debtor, or such Trustees of the property of the Debtor as may hereafter qualify, or pursuant to a plan of reorganization, said payments shall

be deemed to have been made on account of the rental due from the Debtor under such leases.

"(2) That in case such leases shall be disaffirmed or rejected by the Debtor, or such Trustees of the property of the Debtor as may hereafter qualify, or under a plan of reorganization, the operation of the leased properties shall have [fol. 49] been and said payments shall be deemed to have been made for the account of the lessors, and such payments shall be recovered, set-off, or made and charged, on the earnings and/or properties of the lessors prior to any mortgage or other lien thereon, by such method as the Court shall determine and further reserving all rights and equities of the parties arising from such payments."

* * * * * * *

(k) Order of Reference to Interstate Commerce Commission for Its Recommendations as to the Method or Formula by Which Earnings of the Railroad System Shall Be Segregated and Allocated

This order is dated October 29, 1937, and reads in part as follows:

"* * * the Court finds:

"That the necessities of the case requires a segregation and allocation of the earnings and expenses as between and to the divisions and parts of the railroad system under the administration of this Court in this proceeding which are separately subject to the liens of the various mortgages or are or were separately subject to lease; the Court orders

"That the Clerk of this Court forthwith transmit to the Interstate Commerce Commission, Washington, D. C., a certified copy to be supplied by the Trustees of the Principal Debtor of a volume entitled 'New York, New Haven and Hartford Railroad, Segregation of Earnings,' to the end that said Interstate Commerce Commission after due consideration may transmit to this Court its recommenda- [fol. 50] tion as to the method or formula by which the segregation and allocation specified in the foregoing finding should be made."

* * * * * * *

(l) Report of the Interstate Commerce Commission on Said Order of Reference

This report reads in part as follows:

"Interstate Commerce Commission

Finance Docket No. 10992

New York, New Haven and Hartford Railroad Company Reorganization

Submitted March 4, 1938. Decided April 9, 1938

Method or Formula for the Segregation and Allocation of the Earnings and Expenses of the New York, New Haven and Hartford Railroad Company, Debtor, Between and to Its Various Mortgaged and Leased Lines, Recommended

* * * * * * * *

"After considering all available data as well as the criticisms thereof, we find that the trustees' method of segregation and allocation of the debtor's revenues and expenses between and to its various mortgaged and leased lines is as [fol. 51] fair and equitable as the circumstances will permit, and so recommend to the court.

* * * * * * *

"By the Commission, division 4."

(m) Order Confirming and Accepting Report of the Interstate Commerce Commission (Finance Docket No. 10992) Made April 9, 1938 on Segregation of System Earnings and Expenses

This report is No. 283, dated May 25, 1938, and reads in part as follows:

"* * * the Court, being fully advised in the premises, hereby:

"Finds, Orders, Adjudges and Decrees:

"That the findings and recommendations of the Interstate Commerce Commission embodied in its Report dated April 9, 1938 and filed with this Court April 15, 1938 (Printed Record, 4241) be and they hereby are confirmed and accepted."

(n) Report of Administration of Property of Old Colony Railroad Company and of Providence, Warren and Bristol Railroad Company up to and Including December 31, 1937

This report is dated April 19, 1938, and reads in part as follows:

* * * * * * *

"12. Pursuant to the suggestion of the Court at the continued hearing on Petition for Order No. 217, on December 23, 1937, petitioners have prepared accounts of their administration of the properties of said subsidiary debtors [fol. 52] from October 23, 1935 up to and including December 31, 1937, which said accounts are hereto annexed, made a part hereof, and marked Exhibits 1 and 2, the former consisting of a summary of Accounts covering Administration of the Property of Old Colony Railroad Company (with statements marked A, B and C attached) the latter consisting of a Summary of Accounts covering Administration of the Property of Providence, Warren & Bristol Railroad Company (with statement marked A attached). Said exhibits have been prepared from records and accounts prepared and kept by petitioners pursuant to orders herein.

"13. The charges stated in said accounts for sums paid to or for the account of Old Colony, prior to rejection of leases, for the expenditures for additions and betterments, and the net credits for property retired and not replaced are drawn from the current accounts of petitioners. The revenues and expenses of operation of the properties from June 1, 1936 to December 31, 1937 have been credited or charged, as the case may be, on the basis of the formula referred to the Interstate Commerce Commission by Order of Reference on Petition for Order No. 217, herein, and approved by the Commission's report and recommendation dated April 9, 1938. Expenses for the period prior to June 1, 1936 have been charged on the basis of said formula. Because of the time required and the expense to the estates of the several debtors that would be incurred in examining all waybills and passenger collections for the period prior to June 1, 1936, revenues for that period have been credited on the basis of tests and averages which petitioners believe

reasonably approximate the result of applying the formula to revenues for that period.

[fol. 53]' "Wherefore, petitioners pray that the Court approve the accounts and order that the amounts stated therein constitute a charge on the earnings and/or properties of said subsidiary debtors prior to any mortgage or other lien thereon as expenses of administration and may be recovered out of the earnings and/or properties of Old Colony Railroad Company and Providence, Warren and Bristol Railroad Company by such method as the Court shall hereafter determine, said accounts to be subject to such adjustments as the Court may hereafter order."

* * * * * * *

Howard S. Palmer, James Lee Loomis, Henry B. Sawyer, Trustees.

[fol. 54] EXHIBIT 1, ANNEXED TO REPORT DATED APRIL 19, 1938

Howard S. Palmer, James Lee Loomis, Henry B. Sawyer, Trustees
The New York, New Haven and Hartford Railroad Company, Debtor

Summary of Accounts Covering Administration of the Property of Old Colony Railroad Company

		Old Colony	Boston & Providence	Providence, Warren & Bristol	Total
Payments Under Lease Obligations	(Statement A)	$817,157	$1,178,000	$27,533	$2,022,690
Capital Expenditures (Net)	(Statement B)	38,577	117,295	35	155,907
Total Expenditures		855,734	1,295,295	27,568	2,178,597
Operating Deficits	(Statement C)	4,419,179	1,896,981	96,098	6,412,258
Total including Operating Deficits		5,274,913	3,192,276	123,666	8,590,855
Charges for handling Company Coal and Interest on Investment in Equipment and Other Facilities not included in above Operating Deficits	(Statement C)	500,737	2,269,175	33,755	2,803,667
Grand Total		$5,775,650	$5,461,451	$157,421	$11,394,522

Old Colony and Boston & Providence for period October 24, 1935 to December 31, 1937.
Providence, Warren & Bristol for period October 24, 1935 to June 3, 1936.

New Haven, Conn.
April 13, 1938.

EXHIBIT 2, ANNEXED TO REPORT, DATED APRIL 19, 1938

Exhibit 2

Howard S. Palmer, James Lee Loomis, Henry B. Sawyer, Trustees
The New York, New Haven and Hartford Railroad Company, Debtor

Summary of Accounts Covering Administration of the Property of Providence, Warren & Bristol Railroad Company for the Period June 4, 1936 to December 31, 1937

Payments Under Lease Obligations:

Date Paid	Detail	Period Covered	Amount
June 29, 1936	Dividend on 1,500 shares Preferred and 7,246 shares Common @ 6%	7-1-35—12-31-35	$26,238.00

Capital Expenditures:

A. F. E. No.	Location	Description	Gross Expenses	Operating Expense Ledger Value Retirement	
30918	P. W. & B. Branch	1937 Rail Program	$5,876.13		5,876.13
Total Expenditures					32,114.13
Operating Deficits (Statement A)					277,086.45
Total including Operating Deficits					309,200.58
Charges for handling Company Coal and Interest on Investment in Equipment and Other Facilities not included in above Operating Deficits (Statement A)					85,314.64
Grand Total					$394,515.22

(Statement A omitted in printing)

[fol. 56] (O) MEMORANDUM ON TRUSTEES' REPORT OF ADMINISTRATION OF PROPERTY OF OLD COLONY RAILROAD COMPANY AND OF PROVIDENCE, WARREN AND BRISTOL RAILROAD COMPANY, UP TO AND INCLUDING DECEMBER 31, 1937

This memorandum by Judge Hincks is dated July 2, 1938, and reads in part as follows:

"Under date of April 19, 1937, the N H (New Haven) trustees filed a report of their administration of the O C (Old Colony) properties and of the P W B (Providence, Warren and Bristol) property from October 23, 1935, when these proceedings for reorganization were instituted, up to December 31, 1937. To their report the said trustees appended a prayer that the court approve their account and order that the amounts stated therein be charged upon the earnings and/or properties of said subsidiary debtors prior to any mortgage or other lien thereon as expenses of administration, recoverable out of the earnings and/or properties of O C and P W B by such method as the court shall hereafter determine, said accounts to be subject to such adjustments as the court may hereafter order.

* * * * * * *

The account submitted shows a balance in favor of the N H estate on account of the operation by its trustees of property owned by O C in the amount of $5,775,650, and a balance in favor of the N H estate on account of the operation by its trustees of property owned by the B P in the amount of $5,461,451, both of the foregoing balances covering the period from October 24, 1935 to December 31, 1937; also a balance in favor of the N H estate on account of its operation by its trustees of property owned by P W B [fol. 57] in the amount of $157,421, said balance covering operations from October 24, 1935 to June 3, 1936, and a balance in favor of the N H estate on account of operation by its trustees of property owned by the P W B in the amount of $394,515.22, said balance covering operations from June 4, 1936 to December 31, 1937.

* * * * * * *

"Conclusion

"The account is therefore approved in the amount stated, viz: $11,789,037.22 and may be charged in accordance with

the prayer of the petition appended to the report of the trustees.

"An order accordingly may be submitted and will be settled on July 15, 1938, at 11:00 A. M., D. S. T."

. . . . . .

HARRY W. DORIGAN, called as a witness on behalf of the petitioners, being first duly sworn, testified as follows:

Direct examination.

By Mr. Cutter:

I have been in the service of the New Haven Railroad for twenty-four years in various capacities, having worked in the office of the Division Superintendent of the Old Colony division, in the office of the General Superintendent in Boston, in the office of the Auditor of Disbursements, also Division Accountant, Assistant to the Comptroller, Assistant to the Vice President, Assistant to the President, and since 1935 have been Executive Assistant to the Trustees. My present duties include the preparation of studies for consideration of problems arising in the course of reorganization.

Exhibit 1 is a photostat of a map prepared by the Public Utilities Commission of Massachusetts, colored by New [fol. 58] Haven representatives. The lines of the Old Colony Railroad are shown in red, the lines of the Boston and Providence Railroad in yellow, and a small section of the New Haven lines covered by the New England mortgage in green. The line in black shows the Providence and Worcester leased to the New Haven. The Old Colony consists of approximately 575 miles of railroad with principal lines from Boston to South Braintree and there branching off to the South Shore or Plymouth and to Middleboro, down through Buzzards Bay to Provincetown and the Cape territories, Woods Hole, and also has lines from Lowell and Fitchburg through Taunton to Myricks, branching there for Fall River and New Bedford. The Boston & Providence Railroad has 58 miles of line and runs principally from Boston to Providence, and was leased by the Old Colony on April 1, 1888 for a period of 99 years. The

Providence, Warren & Bristol runs from East Providence to Bristol and to Warren and was leased to the Old Colony on July 1, 1891 for a period of 95 years and 9 months.

Prior to 1893 the Old Colony was operated as an independent railroad but on March 1; 1893 it was leased to the New Haven and from that time until the reorganization, proceeding, it was operated as part of the New Haven system without separate accounts being kept of its operations.

It was known that the local passenger service in and out of Boston had been unprofitable, based on data prepared in earlier years in connection with rate case matters and the substitution of highway busses for lightly patronized train service. A preliminary survey was made of the operations of the Old Colony, which indicated that its operations resulted in deficits before any allowance for rental payments of approximately $2,000,000 per year and after rental payments, the deficit was over $4,500,000. Following this study, the New Haven Trustees on June 2, [fol. 59] 1936, with the approval of the Federal Court, discontinued rental payments and rejected the Old Colony lease. Following that, the Providence, Warren & Bristol lease was rejected by the Trustees of the Old Colony on February 11, 1937. Since the rejection of the Old Colony lease, the Old Colony properties have been operated by the New Haven Trustees for the account of the Old Colony, the latter Company being chargeable with all the losses incurred in the operation of its properties.

Following the preliminary survey of the Old Colony situation, the Trustees instituted studies of segregated earnings for the various parts of the system. In this connection it was necessary to develop a formula or method by which the revenues and expenses for the handling of freight and passenger business over several lines of the system could be reasonably separated between the lines over which the traffic moved. This formula was referred by the Court to the Interstate Commerce Commission and was approved by the Commission and confirmed by the Court.

Based on our analysis, although we have made no detailed check of interstate, a substantial part of the Old Colony freight business would naturally be interstate traffic. Probably over 75% of its freight business moves in connection with other New Haven lines or lines to the north of the Old Colony, such as the Boston and Albany.

I have prepared a statement showing the net results of operation on the Old Colony for the year ended May 31, 1937, based on the theory contained in the segregation formula approved by the Court, and the results are accurate to the best of my knowledge and belief.

(At this point Mr. Cutter offered in evidence the statement of segregated revenues and expenses for the year ending May 31, 1937 for the Old Colony system, which was received without objection and marked Exhibit 2.)

[fol. 60] The Witness (continuing): Exhibit No. 2 shows the segregated revenues and expenses for the year ending May 31, 1937 of the Old Colony system subdivided between the Old Colony Railroad proper, the Boston & Providence and the Providence, Warren & Bristol, the last column showing the total for the system. This exhibit shows a deficit for the year ended May 31, 1937 for the Old Colony Railroad of $1,843,688.90 before considering any charges for the handling of company coal, interest on investment in equipment or interest on investment in facilities, which charges or credits should be made against the revenues and income assigned to the Old Colony, and before considering the leased line rent which was not paid because of the rejection of the lease and which amounted to $2,504,932 including interest on the outstanding obligations of the Old Colony.

The second column on this exhibit, headed "Boston & Providence Railroad", shows the results of the operations of this part of the line for the year ending May 31, 1937 and shows a deficit of $1,136,250.37 after a rental charge of $511,500 paid by the New Haven for the account of the Old Colony. The third column shows the results for the Providence, Warren & Bristol, showing a deficit of $224,134.27 after rental payments of $51,329.17.

The items shown on this exhibit of interest on investment in facilities and interest on investment in equipment and cost of handling company coal increase, to the extent indicated opposite those items, the deficit opposite the item described as net income.

I have prepared an exhibit showing the segregation results on the segregation formula basis for the calendar year 1937, which was prepared according to the method prescribed in the formula approved by the Interstate Commerce Commission and the Court.

[fol. 61] (At this point Mr. Cutter offered in evidence a statement of the segregated revenues and expenses for the year 1937 for the Old Colony system, which was received without objection and marked Exhibit 3.)

The Witness (continuing): This exhibit shows similar results to Exhibit 2, except that these results are for the last calendar year 1937. The Old Colony Railroad deficit before rentals is $2,320,000, the Boston & Providence after rentals is $1,668,000 and the Providence, Warren & Bristol before most of its rentals, a deficit of $190,000. These figures would be increased by the items "Handling Company Coal", "Interest on Investment in Equipment" and "Interest on Investment in Facilities" and exclude the rental payments shown below which were not made.

These deficits shown in Exhibits 2 and 3 were included in the report of administration rendered by the Trustees and were among the items charged, or to be charged, against Old Colony as the result of the approval of that report.

Our studies have developed that the losses incurred by the Old Colony were due to its passenger service. I have prepared an exhibit showing the separate results of the operation of the passenger service and of the freight service of the Old Colony for the calendar year 1937. In the preparation of this exhibit, we used the principles and methods outlined by the Interstate Commerce Commission in their rules and regulations for the apportionment of common expenses as between freight and passenger service. The Commission's formula provides the method to be used in apportioning these common expenses between passenger and freight. These regulations of the Interstate Commerce Commission are applied generally to all Class 1 railroads and are uniform in their application.

(At this point Mr. Cutter introduced a tabulation showing separation of segregated revenues and expenses be-[fol. 62] tween freight and passenger service on the Old Colony Railroad for the year 1937, which was received without objection and marked Exhibit 4.)

The Witness (continuing): Exhibit No. 4 shows for the Old Colony Railroad Company for the year 1937 freight operations resulting in net railway operating income earnings of $275,279 and passenger operations resulting in a deficit in net railway operating income of $2,636,000. The

combined figure of $2,360,000 deficit in net railway operating income is the same figure that is shown in the first column on Exhibit No. 3 covering Old Colony Railroad operations in total. This applies to the lines which are direct property of the Old Colony and does not include its leased line properties. Net railway operating income refers to income before any fixed charges and is the result of operations, including taxes and rentals, as prescribed in the Commission's uniform system of accounts.

This exhibit shows that there is a passenger service operating ratio of 172½. In other words, for every dollar of revenue, operating expenses were taking over $1.70.

Some of the principal reasons for the high expense of the Old Colony local passenger are that travel consists primarily of morning travel into Boston and evening travel out of Boston. These peak hour requirements of service establish the number of crews, the amount of equipment and the terminal facilities required for the passenger business. Another factor contributing to the expense of this operation is the working schedules on which the train crews require payment for a certain number of hours or miles per day, together with monthly guaranties, regardless of the time they actually spend in operating trains. Peak requirements for morning and evening service mean that crews required to handle this service cannot be utilized fully for the full time they must be paid during the remainder of the working day. The peak service requirements also control [fol. 63] the size and type of equipment necessary for the economical handling of the traffic. Morning and evening rush hour requirements call for power units and coaches sufficient to handle large volumes of traffic in a short space of time while for the balance of the day the service requirements are entirely different.

Late in 1936 or early in 1937 the Trustees were requested by the Savings Bank Group and by various other creditor groups to make a study of possible operating economies on the Old Colony and a study was undertaken by me and my staff of the Statistics and Research Department in the nature of an operating survey of the local passenger situation in the east end of the New Haven system, which was largely represented by service wholly on the Old Colony. This study was released about the first of September, 1937.

(At this point Mr. Cutter offered in evidence a book entitled "Survey of Old Colony System Operations", which was received without objection and marked Exhibit 6.)

The Witness (continued): This survey was handled by a group of employees familiar with the local east end passenger situation, including representatives of the Operating Department, the Maintenance of Way Department, the Traffic Department, the Signal and Mechanical Departments. Primary consideration was given in this survey to ways and means of rearranging or changing operations to bring about the continued operation of service to those parts of the Old Colony which were reasonably well supported by the public and reduction in service to such stations or territories where the public had apparently left the rail service for other forms of transportation. It was the purpose to arrange matters so that the remaining relatively few people using the stations or service which would be changed would be inconvenienced as little as possible, but savings could be secured and at the same time the service so revised that im- [fol. 64] provements in the balance of the service would be accomplished. Considerable thought was given to the curtailing of service where there are relatively few patrons involved, in the hope that the continuation of some service could be maintained without such large losses, as it was obvious that unless some revision in service and economies therefrom were devised, it would be only a question of time before this passenger service would not be available with private capital. Certain communities which were lightly patronizing the Old Colony were in time, if this operation continued on its present basis, going to so affect the total results that it would encroach upon and probably bring down service and eventually wipe out service in the sections where patronage was still in a fairly reasonable volume.

This survey indicates that savings were possible in the operation of local passenger service in and out of Boston, including in addition to the lines of the Old Colony and the Boston & Providence those of the New Haven Railroad covered by the New England Railroad Mortgage. The proposed revision not only produces substantial savings in direct train expenses but would produce savings through reduction from double and single track operation, through closing and eliminating passenger and signal stations and other structures and the substitution of flashers for manual

protection at highway grade crossings. The gross savings in expenses to be accomplished was estimated at $1,366,031, the net savings after an estimated loss of $362,041 passenger revenues, having been $973,000 per annum.

Following the hearings before the Department of Public Utilities of Massachusetts in the fall of 1937, where there were granted reductions in train mileage of about 241,000 miles per year, this original survey was reviewed in the light of these changes and as the result, the present proposals, if accomplished, will produce economies in the neighborhood of $1,000,000 per year from direct savings. All of [fol. 65] these savings are not on the lines of the Old Colony but this split-up will be shown in a later exhibit. The economies included in this survey have, in general, been included in the recommendations for rearrangement of service made by the Trustees and annexed to their answer.

I am satisfied that the survey and the recommendations of economies estimated to be effected are reasonable and that the proposed rearrangement and curtailment of service to be recommended is a sound approach to the solving of this particular part of the problem.

(No cross examination of the witness.)

By Mr. Pecce (addressing the Court):

These proceedings have been, during the course of the past four or five months, before the Massachusetts Department of Public Utilities. The railroad attorneys presented their evidence in minutest detail. The evidence was gone into very thoroughly, and if this Court is going to hear the case upon the merits, it would entail a great deal of time and a great deal of expense. I suggest that because this matter has been receiving the attention of the Department of Public Utilities of Massachusetts and further because so much evidence has been received by that Department, that this Court might permit that Department to make a final adjudication of the issues involved.

It seems to me, sir, that a lawfully constituted authority, the Department of Public Utilities, having assumed jurisdiction over this case, it might be left with them.

Will this Court give consideration to that suggestion which I make that the matter be sent back to the Massachusetts Department of Public Utilities before which there have been four months of hearing.

Hincks, J.: Congress has entrusted the vast mass of this property to this Court for purposes of reorganization only; and in the course of these proceedings a petition involving [fol. 66] substantive rights is presented to the Court. The Court is utterly without power to pass the responsibility to any other authority whatsoever, State or Federal. I cannot any more, in the words of the army vernacular, "pass the buck" to the Massachusetts Commission than I can pass it to the Interstate Commerce Commission. Section 77 puts the responsibility on this Court, and that I shall have to discharge as well as I can.

GEORGE T. CARMICHAEL, called as a witness on behalf of the petitioners, being first duly sworn, testified as follows:

Direct examination.

By Mr. Cutter:

I am and have been the Comptroller of the New Haven and the subsidiary companies since November 1, 1934 and am in charge of the accounts of the Company, the recording of all revenues and expenses, and other matters relating to the general books of the Company. I have had a total of approximately 30 years with the Company in various branches of the Accounting Department.

The report of the Trustees of their administration of the operations of the property of the Old Colony was prepared under my direction. Items representing alleged operating deficits were computed on the basis of the segregation study presented by Mr. Dorigan, with certain adjustments to bring the accounting up to date, the aggregate amount of such adjustments being approximately $130,000 on the Old Colony, $108,000 on the Boston & Providence and a little over $1,000 on the Providence, Warren & Bristol, all of which were credits due to the elimination of the railroad retirement tax accrued in 1936 and cancelled in 1937.

I have prepared an estimate of the accounting results [fol. 67] for the operation of the properties of the Old Colony for the first part of the year 1938 on the basis on which the original accounting report was prepared. This estimate, which is for the period January 1, 1938 to June 30, 1938, was based upon three months of actual segrega-

tion and three months on an estimated basis using the same relation for the second quarter of the year 1938 as the figure shown for the second quarter of the year 1937, in order to take care of the trend in traffic and seasonal fluctuation. I believe this estimate to be very reasonable and a close estimate of what the results may be.

(At this point Mr. Cutter offered in evidence a tabulation "Estimated Summary of Accounts Covering Administration of the Property of Old Colony Railroad Company for the period January 1 to June 30, 1938", which was received without objection and marked Exhibit 7).

The Witness (continuing): On this statement there are no payments under leases during the period in question. Capital expenditures are net, which is the net amount due from the Old Colony or Boston & Providence after allowing for salvage credits derived from property retired during that period. Operating deficits computed as stated above are adjusted to allow a credit in taxes covering a refund for the city of Boston on Boston Terminal taxes. The last item covers the charges for company coal, interest on investment in equipment and other facilities—all the intra-system items. These figures show that the total charge for this period against the Old Colony is $1,544,078 and against the Boston & Providence $1,300,073, or a total of $2,844,151 as the estimated charge for the administration of the property of the Old Colony, including its leased line the Boston & Providence. This statement is for a six months' period only and does not include the results of the Providence, Warren & Bristol.

[fol. 68] Under the practice which has been followed in the administration of the Old Colony estate, an accounting including these items, when capable of final determination, will be presented to the Court in due course, with the request that this be charged against the Old Colony estate.

As of May 31, 1938 the Old Colony had $20 in its cash account and had no other current assets or assets susceptible of being readily liquidated. Its only assets, other than fixed assets, were 1,435 shares of stock in the Union Freight Railroad Company, 100 shares of Boston Terminal Company stock, 8 shares of Providence, Warren & Bristol stock, $3,600,000 face amount of First & Refunding 4%

Mortgage bonds of the New Haven, Series "E", which has an indicated present market value of between $450,000 and $576,000.

The outstanding bonded indebtedness of the Old Colony, exclusive of bonds pledged to secure bank loans, totals $14,348,000 and the bank loans total $1,400,000, secured by $2,100,000 of Old Colony First Mortgage bonds. The Old Colony also has 250,776 shares of capital stock outstanding at a par value of $100 per share.

Upon further examination by Mr. Filer, the Witness testified as follows:

The Witness: At the time of a previous hearing on another matter before this Court, there was introduced a cash forecast prepared under my direction which indicated that the New Haven would have an estimated cash balance of $113,000 as of October 31, 1938. Since that time the forecast has been revised to take into account the actual May and June figures and to give effect to the estimated increase in cash on account of the recent increase in passenger rates to 2½ cents per mile authorized by the Interstate Commerce Commission, increasing the estimated cash balance as of October 31, 1938 to $1,182,000. The working balance which the Trustees should have, not having to pay any interest, would be a minimum of $2,500,000 [fol. 69] and if interest payments were being made, the cash balance should be between $4,000,000 and $5,000,000, so that a cash balance of slightly in exces of $1,000,000 would still be far below the danger point.

Upon further examination by Mr. Oliver, the Witness testified as follows:

The Witness: The Old Colony is being charged between $15,000 and $16,000 per day during each day of the continuance of this present operating loss, computed on the basis of the estimated figure of $2,844,000 for the first half of the year 1938. On the basis of the Old Colony operations alone, that amounts to approximately $12,000 per day as a loss which is being charged against the Old Colony.

(No cross examination of the witness.)

FRANK J. WALL, called as a witness on behalf of the petitioners, being first duly sworn, testified as follows:

Direct examination.

By Mr. Cutter:

I am Vice-President in charge of traffic and have been in charge of the Traffic Department for the last eight years, where I am in charge of the making of freight rates and passenger fares and the selling of the services of the railroad. I started to work for the New Haven in 1905 and have been agent, superintendent, assistant to the Vice President, General Traffic Manager and Vice-President.

I am familiar with the operations of the Old Colony, the Boston & Providence and the leased lines of the area between Boston and Providence, including the territory in southeastern Massachusetts which is called the East End or Boston territory and is that part of the New Haven system east of Blackstone and Providence. There are 652 miles of railroad in this territory and there is no area of [fol. 70] similar size in the United States that has so many miles of railroad. There are 115 cities and towns in that territory, with a combined population of 2,000,000 people.

When the railroads serving southeastern Massachusetts were originally built and continuing to about the end of the World War, they were the principal and, in many instances, the only means of regular transportation between the communities. After the World War, private automobiles came into general use, providing transportation for passengers over short distances and the short haul passenger traffic has gradually left the railroads. Beginning about 1920, motor trucks have progressively taken over the short haul freight traffic, depriving the railroad of one of its principal sources of revenue. Today, every mile of railroad in southeastern Massachusetts is paralleled by heavy duty, high speed highways and, as the result of this highway competition, the railroad has lost the greater part of its local traffic which it was primarily built to handle.

The private automobile is by far the principal competitor of the railroad for passenger traffic, having the advantages of heavy duty, high speed highways and being, in most instances, a more convenient form of transportation for short distances. Practically every family in south-

eastern Massachusetts has its own automobile and many of the owners are forced to use them for all travel because they cannot afford to travel by rail and at the same time maintain an automobile. If one passenger is traveling, the railroad is cheaper than transportation by automobile, but if there are two or more, the automobile has the advantage from the out-of-pocket standpoint.

Passenger service has always been the major part of train operation in the Boston territory. At one time the railroad handled the large volume of passengers between points outside of Boston but, today, practically all of that traffic moves by automobile. Of all passengers handled in southeastern Massachusetts, 95% move to or from Boston. [fol. 71] During the last fifteen years, there has been a competitive service built up through the use of private automobiles and buses connecting with the Boston rapid transit system, which serves the outlying districts and maintains connections with the Boston Elevated at various points. A very large part of the area served by the Old Colony is also served by the Eastern Massachusetts Street Railway's bus and trolley lines, some of which run down as far as Fall River, Massachusetts.

I have prepared an exhibit showing the number of passengers during the period from 1917 to 1937 moving in and out of Boston by various passenger rail gateways.

(At this point Mr. Cutter offered in evidence a tabulation dated February 28, 1938, showing Massachusetts passenger car registrations and total passengers into and out of Boston for the years 1917 through 1937, inclusive, which was received without objection and marked Exhibit 8.)

The Witness (continuing): This tabulation shows the number of passengers moving by railroad in and out of Boston each year from 1919 to 1937, inclusive, divided between Atlantic, Back Bay and via Dorchester and also the totals for the three lines. As there is no question that the greater part of the passenger traffic which has been lost by the railroad now moves on the highway, this statement also shows the number of passenger automobiles registered in Massachusetts from 1920 to 1936, inclusive. In 1936 there were more than three times as many automobiles registered as in 1920 and during the same period the railroad lost 57% of the passengers which it formerly

handled to and from Boston. Since 1933 there has been some improvement due to improved business conditions. During the present recession passengers have again declined, and for the first five months of 1938 we carried [fol. 72] 262,643 passengers less than we did a year ago, or a decrease of 4.2%.

There are approximately 42,000 passengers a day who use the local train service operated within the Boston or East End territory, more than 95% of which travel to and from Boston. Of these passengers, 67% travel 15 miles or less, and 20% travel 16 to 25 miles, so that 87% of all the passengers travel 25 miles or less and only 13% travel over 25 miles. This is very unusual and it really is rapid transit service rather than steam railroading.

I have prepared an exhibit to show the density of the passenger traffic in the Boston territory, which illustrates this statement.

(At this point Mr. Cutter offered in evidence a chart of density of passenger traffic for local passenger trains only based on revenue of passengers per day, Monday to Friday average, October 4 through 8, 1937, which was received without objection and marked Exhibit 9.)

The Witness (continuing): This chart which covers a presentation period is plotted to scale as closely as it can be done and the lines extending out from Boston show the direction of the lines of railroad. I have also had prepared under my direction an exhibit which affords some comparison between the traffic on the highways and the traffic on the railways.

(At this point Mr. Cutter offered in evidence "Railroad Passenger and Highway Vehicle Traffic Density Map of Southeastern Massachusetts", which was received without objection and marked Exhibit 10.)

The Witness (continuing): The basis of this exhibit was a chart of highway traffic which was prepared by The Department of Public Works for the Commonwealth of [fol. 73] Massachusetts, showing the average vehicular traffic per day in the year 1936 in southeastern Massachusetts. We have superimposed on this chart the density of the passenger traffic of the railroad which served the same territory. In plotting passenger traffic, we have used the

ratio of two passengers by railroad being equivalent to one automobile, because automobiles usually carry two passengers. This chart shows graphically that the great bulk of passenger traffic in southeastern Massachusetts is on the highway.

Exhibit 10 shows the highway movement in red, the rail movement in black. Both movements are plotted to the same scale.

Our troubles, today, are due to the decline in the number of passengers that travel by railroad, the small average fares paid by each passenger, largely due to the short distances, and the large number of trains which carry only a few passengers. The average revenue per passenger in the Boston territory is 30 cents as compared with 94 cents for the rest of the New Haven, and the average passenger revenue per train mile in the Boston territory is $1.05 as compared with $3.21 for that part of the railroad other than Boston territory and $2.82 for the entire passenger operation. A train mile is one mile of train service. That is, if a train runs 50 miles, it is 50 passenger train miles. If the passenger revenue per train mile in the Boston territory was $3.21 as it is on the rest of the New Haven system, instead of $1.45, passenger revenues in the Boston territory would be about $3,600,000 greater than at present. At the average fare being paid of about 30 cents in the Boston territory, this would take about 12,000,000 passengers, or about as many as handled in the earlier 1920's, or about double the amount handled today.

There are only two ways in which the railroad can improve losing operation and one is by increasing revenues, either by increasing traffic or increasing rates or fares, and second, by reducing operating expenses through dis- [fol. 74] continuance or elimination of operation of trains operated in lightly travelled sections. In our studies we have given consideration to all of these methods. As stated above, 87% of the passenger traffic in the East End territory moves 25 miles or less and they use either monthly commutation tickets or twelve-trip commutation tickets, the commutation fare being on the same basis as on other parts of the New Haven system. Because of the highway competition and of the Boston Elevated and its connecting bus lines and private automobile connections, after giving consideration to increasing commutation rates, we felt satisfied at this time that we would lose enough passengers

so that we would not make any increase in revenue and we believed it inadvisable to try to increase commutation fares at present. The same considerations do not apply to the one-way coach fares which are used by the balance of passenger traffic. And the New Haven joined with other eastern railroads in successfully petitioning the Interstate Commerce Commission for authority to increase these coach fares from 2 cents to 2½ cents per mile. We estimate that the annual increase in revenues from local passenger service in the Boston territories to be expected from that rate increase decision would be somewhere between $150,000 and $200,000 per year.

We have given consideration to the possibility of using other types of equipment which might attract more passengers or reduce expenses and a streamline train is, in fact, operated between Boston and Providence, but we have not been able to find any equipment, and none has been developed, to meet the requirements in the Boston territory where you have the big peaks in the morning and evening and very light traffic during the day. There is no equipment which can be operated with any greater efficiency than the present equipment.

Our records show very clearly that there is very little that can be done to increase traffic in that territory other [fol. 75] than the increases that will come as business improves. The only thing that remains to be done is to reduce the service and the facilities in keeping with the volume of traffic to be moved. As the result of changed industrial conditions and the changed transportation situation, the purposes for which many of these lines of railroad were built no longer exist. The complete system of heavy duty highways which parallel a railroad and which were constructed by the taxpayers and supported very largely by the taxpayers, including one of the biggest taxpayers, the railroad, have so taken traffic away from the railroad that it has reduced the value of the railroad and its earning power.

The stations being operated in the Boston territory are relics of bygone days when we were dependent upon either a horse and carriage to get to the railroad station or had to walk. These numerous facilities are not necessary today and cannot be supported by the present traffic or by any traffic which may be reasonably expected in the future. Many of these stations are less than a mile apart and a number are used by less than 10 passengers daily. It is

quite obvious that these stations which are used by so few people are neither essential nor profitable and one of the most important parts of this problem is discontinuing these stations. Their continuance is not only a financial burden but the time required to make the stops at these stations makes the service less satisfactory to the public than it would be if the trains did not stop there. The best earning trains that we operate are those which make few stops and the most frequent criticism received is because of frequent stops at stations for one to three passengers.

We must face the changed conditions and while some people may be deprived of some convenience which they have previously enjoyed, the stations are so close that it will not be any great inconvenience and I think that most of the people will readily adapt themselves to the changed conditions. It is fair to say that this situation would not [fol. 76] have arisen if it had not been for the fact that the great part of the public had already deserted the railroads for other forms of transportation.

As the result of our studies, a definite plan has been prepared by the Trustees and embodied in their recommendations to the Court in this proceeding. It provides for the elimination of all stops at 93 stations, further provides for the reduction in the amount of passenger train service which has been and is being operated and for certain improvements in train service which will continue to be operated. The elimination of these lightly patronized station stops will make it possible to quicken schedules and most of this improvement will be made on the lines handling the greater part of the traffic. It is proposed to discontinue all passenger service on the lines between Yarmouth and Provincetown, between Norwood and North Attleboro, between Needham Junction and Franklin. On the lines where passenger service will continue to be operated, the trains which will be discontinued are generally those on which, because of light patronage, revenues are less than out-of-pocket expense. Elimination of these stations and curtailment of lightly patronized train service may result in the loss of some traffic, but the speeding up of the schedules will also attract some traffic, and based on our experience, we feel that one will about wash the other and that there will be very little loss of traffic or revenue. In the month of January, or four months after the elimination of 240,000 train miles last September, we handled 2%

more passengers in this territory than we did a year ago, with no substantial difference which would otherwise account for this.

When the automobile became such a factor in short haul transportation, not only the New Haven Railroad but every railroad in the United States was faced with problems they had never encountered and they began rearranging their train service. The New Haven began a general [fol. 77], reduction in train service in 1922. All of the railroads in the United States have been forced to follow this same practice because of the changed conditions. Since 1920 passenger service has been discontinued on 204 of the 652 miles of railroad in the Boston territory, so that, today, it is being operated on 448 miles, or 67% of the total mileage. The balance of the New Haven system is 1381 miles and since 1920 passenger service has been discontinued on all but 688 miles or about half of the mileage. In other words, passenger service has been discontinued on 32% of the miles of railroad in the Boston territory and 52% of the miles of railroad outside of the Boston territory. These reductions or discontinuances of passenger service were all made after the passengers had left the railroad so that the service could not be operated at a profit.

I participated in a survey of Old Colony system operations which has been marked "Exhibit 6" and, in my judgment, all relevant considerations were taken into account in making that survey and I believe that it was made on a sound and proper basis and that the conclusions reached are reasonable.

(At this point Mr. Pecoe advised the Court that he did not intend to cross examination the witnesses who had already testified.)

WILLIAM J. CUNNINGHAM, called as a witness on behalf of the petitioners, being first duly sworn, testified as follows:

Direct examination.

By Major Oliver:

My railroad experience began in 1894 with the Canadian Pacific. Between 1896 and 1899 I was with the Operating Department of the Boston & Albany in Boston; between

[fol. 78] 1900 and 1907 I was General Superintendent of the Lackawanna Railroad at Scranton; between 1907 and 1913 I was with the Boston & Albany as statistician and assistant to the chief operating officers; in 1913 I had nine months service with the Union Pacific as special assistant to the Comptroller; from 1913 to 1914 I was President's assistant with the New York, New Haven & Hartford; and the following year was President's assistant of the Boston & Maine. I was with the United States Railroad Administration, the first few months as Manager of the Operating Statistics Section and the last year as Assistant Director of Operations. That was my last active railroad experience. I have also served twice as special assistant to the Interstate Commerce Commission. My teaching experience has run along somewhat concurrently with the railroad. I became a member of the faculty of the Harvard University School of Business Administration in 1908; and since 1916 have given practically all of my time to the University where I have given and am now giving courses in the graduate school in railroad organization, including finance, railroad operation, highway transportation, transportation of commodities.

I am also employed by the Mutual Savings Bank Group Committee as general technical adviser in this proceeding. I was in fairly close touch with the development of the formula for the segregation studies and the severance studies and worked with Mr. Dorigan and the statisticians and have consulted with the insurance companies in the formulation of the data upon which the plan of reorganization is based. I have given particular attention to the Old Colony because it has been one of the most difficult features of the problem.

I have examined the separation of revenues and expenses of the Old Colony as between passenger and freight, which was introduced as Exhibit 4, and, in my opinion, the separation was competently made and is as accurate as [fol. 79] can be. It was made in conformity with the rules of the Interstate Commerce Commission which apply to all railways in this matter. I am familiar with these rules and when in 1919 the Commission's Bureau of Statistics and Accounts revised the rules, I was frequently consulted by Dr. Lorenz, head of the Bureau of Statistics of the Commission and had something to do with the rules governing the division of joint costs. These rules are as sound as it

is possible to make them in such a difficult matter as the apportionment of the division of joint costs and I thoroughly agree with the rules of 1919, effective January 1, 1920. Since then, several changes have been made, more with the idea of favoring the passenger service than otherwise. In substance I thoroughly agree with the classification as an intelligent and practical method of making the separation. If anything, the classification rather understates the proportion of the joint expenses allocable to the passenger service. I approve the separation as between freight and passenger, of revenues and expenses, made by Mr. Dorigan, shown on Exhibit 4 for the calendar year 1937, which indicates a loss in conducting of passenger operations of $2,260,862.29.

I became interested in the subject of the cost of stopping a train both academically and as a member of the Committee on Railway Economics of the American Railway Engineering Association and also as an adviser for a time on the Signals Committee of the Railway Signals Association and have given a great deal of thought to the cost of stopping trains and have read most of the available literature on the subject. I have also read the transcript of the testimony given by Mr. Storms on this subject in the current case before the Department of Public Utilities. In that case Mr. Storms suggested that a minimum cost of stopping a typical train in Old Colony territory would be 34 cents. That strikes me as being extremely conservative and as being an absolute minimum for a light train, and [fol. 80] the record shows that he included only the cost of fuel and water and did not give weight to the effect of stopping and starting on locomotive and car maintenance costs, which adds very measurably to maintenance cost. My opinion is that 34 cents is absolutely a minimum cost and that reasonably a higher figure could be taken.

My views as to the factors responsible for the tremendous loss in passenger operation of the Old Colony would correspond so closely to the opinions and views expressed by Mr. Wall as to be more or less repetitious but I do not think there can be any doubt that the principal cause is the effectiveness of highway competition in the greater use of the private automobile and the bus. The territory served by Old Colony is unusually well equipped with hard surface highways which are kept open throughout the year. Practically every part of the Old Colony system is paral-

leled by highways of that type and the so-called secondary roads in that region are constructed and maintained to an unusually high standard. The railroad has met with highway competition at practically every station on the line. The extent to which that competition is growing is indicated by Mr. Wall's figures, showing the increase in automobile registration. I was able to get an estimate from the motor vehicle department for 1937 which, unofficially, they gave as 770,000, which is an increase over the figure of 714,000 for 1936. The Massachusetts state expenditures on state highways, not including expenditures on the county township roads or city streets nor including Federal aid, was in round figures in 1921 $7,900,000, 1925 $12,900,000, 1930 $21,900,000, 1935 $36,700,000. During the period between 1931 and 1935 the annual expenditures increased 300%.

Not only have we an increase in motor vehicles and an increase in highway expenditures and an increase in hard surface roads, but we have also in Massachusetts a fairly liberal policy of low registration fees and relatively low [fol. 81] gas taxes. All these things together have worked to make the competition of the motor vehicles both as to buses, but mainly as to private automobiles, very destructive from the railroad viewpoint. For example, the New Haven Railroad finds it more profitable to use highways than its own rails for the transportation of section men and the material used for maintenance. The use of these motor trucks on the Old Colony system is estimated as resulting in an annual savings of $100,000 per year in man hours saved and lengthening of sections with equal or better supervision.

"Major Oliver: Professor Cunningham, have you any views with reference to the prospects of the ability of the Old Colony to regain this lost passenger business, and if you have, please state it.

The Witness: Yes, I have views. I think that this serious loss in passenger traffic on the Old Colony is not a cyclical decline. In my opinion, it is, in most part a permanent loss to the railroad. It is, in the most part, due to a fundamental change in travel habits, and should not be regarded as something of a temporary nature. The situation today is that with the greater number of automobiles and buses in use, the steady improvement of such vehicles in comfort, reliability, economy and flexibility, constantly expanding network of first-class highways, and the policy of the state

to be moderate in gas taxes and registration fees, the Old Colony has permanently lost the greater part of its local passenger traffic. That being the case, in my opinion, I do not believe there should be further temporizing in the vain hope that the lost passengers will return to the rails. Such further temporizing seriously threatens the continued existence of the railroad. Corrective steps in curtailment of service and resultant economies of operation are vitally necessary. There is no economic escape from a realistic recognition of the fact that the greater part of the passen- [fol. 82] gers who used the railways twenty years ago are now using and will continue to use the highway. The Old Colony Railroad is a victim of forces similar to those which brought the earlier downfall of the network of trolley lines in Massachusetts.

Major Oliver: Professor Cunningham, in your opinion, have the methods pursued by the Trustees' staff in their proposals for the Old Colony been proper methods, and is their approach to the problem a reasonable approach?

The Witness: Yes, I think so. My opinion is that the problem of reducing the operating losses was approached in an earnest effort to find the right solution; that the field was carefully explored, that the conclusion that fares could not be increased was sound; that the conclusion that there is little hope of increasing traffic by lower rates or additions to service was reasonable, and that the conclusion that a curtailment in service is necessary was justified by present conditions.

Major Oliver: Is it your opinion that the heavy operating loses to which you have referred constitute the most serious obstacle to the successful reorganization of the Old Colony Railroad?

The Witness: Yes. Obviously, a railroad company with operating revenues substantially less than operating expenses, taxes and charges for joint facilities and equipment, is not only unable to support any capitalization whatever, but unable to raise cash for taxes and operating expenses.

Major Oliver: In your opinion, does an emergency exist which requires immediate correction?

The Witness: I believe that such an emergency exists. The operating deficits, without taking into account the segregation study below-the-line items, namely a charge for

moving company fuel and interest charges on value of equipment and facilities belonging to other parts of the system but used in part by the Old Colony—the operating deficit last year was $2,320,000 in round figures. The ac- [fol. 83] crued charges by the New Haven Estate against the Old Colony as of December 31, 1937, was over $11,000,000. These heavy charges and the current deficits which during the first six months of 1938 is approximately 30% more than in 1937——

Major Oliver: For the same period of 1937?

The Witness: Yes—are charges which have priority over the claims of bondholders. The continuing deficits in effect are consuming the Estate of the Old Colony and eventually these prior claims will be in excess of the investment value of the property.

A real emergency exists which requires immediate and effective corrective action. Such action has already been too long deferred. The Savings Bank Committee recognized the danger a year and a half ago, and urged the Trustees to act at that time. It is my opinion that if these ruinous losses are not substantially reduced, the territory served by the Old Colony Railroad will be faced by the probability of complete abandonment of all rail service, both freight and passenger.

In this desperate situation, it is unfortunate that the proposed curtailment in service may cause inconvenience to a few, but they must give way in the interest of the very much greater number who would be much more seriously damaged by the enforced suspension of all rail service if the Old Colony Railroad is unable to continue operation."

(No cross examination of the witness.)

STANLEY F. MACKAY, called as a witness on behalf of the Trustees, being first duly sworn, testified as follows:

Direct examination.

By Mr. Filer:

I am employed as General Superintendent of Transportation by the New Haven Trustees. I entered the service

[fol. 84] in 1904 and was employed in various positions, including ten years as chief clerk to the General Manager, two years as Superintendent of the Old Colony division, four years as Superintendent of the Providence division, one year as Superintendent of Transportation, and three years as General Superintendent of Transportation. As General Superintendent of Transportation my duties consist principally of planning freight and passenger service, the use and distribution of equipment and its assignment to territories and, in general, checking the actual transportation of freight and passengers.

"Mr. Filer: If your Honor, please, Exhibit A attached to the answer contains the Trustees' recommendations as to time table changes. I assume that that is now a part of the record. If not, I will ask that it be made a part of the record.

Judge Hincks: I think any exhibit attached to the answer which is on file already is part of the record."

. . . . . .

The Witness (continuing): I participated very little in the actual committee work in laying out the original plan but I was present at practically all of the conferences in transmitting that into a practicable time table, and have been through the plan several times.

"Mr. Filer: In your opinion can the total economies expected through train service changes be accomplished if only the train service changes proposed by the Old Colony Railroad are put into effect?

The Witness: No, I think they can't. In fact, I know they can't.

Mr. Filer: Can you explain why that is so?

The Witness: Yes, because while this was planned originally because of losses on the Old Colony, in working out the plan it was just about impossible to gain the full benefit of the savings unless we used all of the territory indiscriminately; in working out these runs, etc., we gave no thought [fol. 85] to the individual ownerships, and that was because of the use of equipment, in which I might term a pooling sense.

In other words, in taking the crews, engines, and equipment and translating them into runs in actual service, we had to take the equipment that would come in on, we will

say, the first train in the morning and turn that on the first available train that we could use it on, that required that kind of equipment, and in that way got a greater utilization of equipment that we otherwise could have.

Mr. Filer: Can you illustrate what you mean by pooling of equipment, that is, in this local east end passenger train service?

The Witness: Yes, in that very way. In taking the engine, for instance, that comes in on the first train in the morning and turning it on the first train that we can use it out on, we get what we call a fast turn. If we were confined to individual territories on that we would not have available the train on which to use it necessarily, so that we take the first one that is available to turn the equipment on it—both equipment and at times crews and the locomotives.

Mr. Filer: Can you illustrate the use of cars by pooling the equipment?

The Witness: Well, in that same manner. For instance, the Trustees recently arranged for the remodeling of fifty Westchester coaches. And we worked up thirteen sets of equipment to cover seventy different trains, thirteen groups of which required approximately the same type of equipment, the same number of cars. And we worked it out, of course, without any thought of the territory. When we got this worked out— a few days ago I finished it up—fifty per cent of the mileage was on territory of the Old Colony, thirty per cent on territory of the Boston & Providence, and twenty per cent on the New England.

[fol. 86] Now then, if that had been operated separately we could not have made some of the turns we did, and it would have required more equipment, just how much I do not know because I have not worked it up.

Mr. Filer: Will you explain how some of these trains operate in one run over more than one of the lines involved in this proceeding?

The Witness: Yes, we have a perfectly good example of a round trip of service that operates between Providence and Boston via what is called the Wrentham line which is owned from Adamsdale Junction to Norwood Junction by the Old Colony. This train leaves Providence at 5:30 in the morning, runs on the New Haven territory, the Providence & Worcester leased territory to Adamsdale Junction—I can tell you the mileage of that, I think—it operates about five or six miles to Adamsdale Junction, twenty-one miles on

the Old Colony to Norwood Junction, then a little over five miles on territory of the New England to Readville, and then about ten miles on territory of the Boston & Providence into Boston. In the afternoon that train leaves Boston and comes back to Providence via that same route. That is, that same train, as we call it, that is a round trip of service over one line. If that was operated with one engine, one crew, etc., the crew would be on duty about fourteen hours and thirty minutes. Because of being on duty fourteen hours and thirty minutes it makes a high cost job, time and a half after the tenth hour, providing there is a two hour lay-off in between.

Now then, in order to avoid that, we operate a train from Boston to Providence via the Boston & Providence Railroad territory. It comes down in the morning and turns back and goes up on this first train in the morning via the Wrentham line. In the afternoon a separate engine and crew operated this train from Boston to Providence via the same [fol. 87] route and then it goes back to Boston on the Boston & Providence territory. In that way both crews make less than eight hours, or approximately eight hours.

Mr. Filer: And the saving in that short time accrues directly to the Old Colony?

The Witness: Yes, because if the Old Colony had to operate that service they would have the entire cost of that crew, whereas the Boston & Providence has more service and it probably would not be as burdensome on the Boston & Providence as it would on the Old Colony."

The Witness (continuing): If we had to confine the use of equipment to ownership territory, it would take far more equipment to operate the service and this would be true of each of the owning companies. Similarly, we would have to have more spare equipment than now required, which is now pooled and used where needed.

For the 52 locomotives and gas rail cars required to cover this local passenger service, something over 36% were planned to operate on either two or three of the territories, so that a segregation of these locomotives as between the properties would require a greater number.

A substantial number of these trains operate in more than one state and practically all of them carry United States mail, interstate baggage and interstate passengers, or one or the other.

From 1928 to 1930 I had charge of the western half of the Old Colony Railroad as Superintendent of Divisions and from 1930 to 1934 I was in charge of the Providence Division and had an intimate knowledge of the details of the operation for passenger and freight service. In my opinion, the freight service is of paramount importance to the communities involved in this East End territory. If Exhibit A attached to the Trustees' answer is put into effect as a time table, there will be very substantial operating savings without any question.

(No cross examination of the witness.)

[fol. 88] Henry M. Erving, called as a witness on behalf of the Trustees, being first duly sworn, testified as follows:

Direct examination.

By Mr. Filer:

I am employed by the Trustees of the New Haven and of the Old Colony as General Passenger Agent. My employment started in Boston in 1919, where I worked until 1924 and was then transferred to New Haven where I remained until 1928 when I was appointed as Assistant to the General Passenger Agent and served in that capacity until September 31, 1935 when I was transferred to Boston as General Passenger Agent in charge of train service. My duties are to supervise and have charge of train service, the preparation of time tables, assignment of Pullman car space and all features connected with regular passenger train operation.

I personally assisted in preparing the time table schedules marked Exhibit A attached to the Trustees' answer. In their preparation, representatives of the Operating, Research and Passenger Traffic Departments made an intensive study of travel on the trains and the use of stations and prepared the plan for the rearrangement of the schedules, so that the new arrangement would provide suitable transportation facilities for the majority of riders. In reducing mileage those trains were eliminated which were not handling a sufficient amount of traffic to cover operating costs. Traffic needs were again studied so that trains handling a

considerable number of passengers were not primarily affected. In those cases where we did eliminate a heavy train, the schedules on either side were so adjusted that, in the final analysis, the large majority of the travellers were not seriously inconvenienced. Being familiar with the working conditions and requirements in the various communities, it is my thought that the new service, as lined up in Exhibit A, is reasonable and that a very small percentage of traffic [fol. 89] now using the east end service would be discommoded. In the elimination of stops at the lightly patronized stations, we took into consideration, the number of passengers using the stations, the distance to the nearest stations where stops had been continued, the cost of maintenance and the possibilities of improving service by operating on faster schedules. It is our judgment, that quickening the running time brought about by the discontinuance of stops at these stations will attract additional traffic to the railroad.

To determine the number of revenue passengers using the stations and riding on local passenger trains, we have two regular test periods, in January and in July, as typifying normal winter and summer periods, at which time the conductors make a detailed report of all tickets and passenger fares collected, showing the point of origin, destination and class of ticket. We made additional tests in September, October and November of 1937. We first analyzed the revenues from passengers as well as mail, express, newspapers, etc. for the January 1937 test period, but to bring our analysis up to date we further reviewed the adjustments upon the basis of the test period of 1938.

Operation in this East End territory involves operation over three separately owned lines, the Old Colony lines, the Boston & Providence lines and the New England Railroad lines. The line between Boston and Providence is owned by the Boston & Providence Railroad. The line between Boston and Readville is over the Boston & Providence, from which point to Blackstone the operation is over the New England. Service between Boston and East Dedham is over the Boston & Providence Railroad. Between Boston and New Bedford—Fall River the trains are operated on the line of the Boston & Providence between Boston and Mansfield and over the line of the Old Colony between Taunton and New Bedford and between Myricks and Fall River. In the service from Boston to North Easton opera-

[fol. 90] tion is over the Boston & Providence from Boston to Stoughton and continues over the Old Colony from Stoughton to North Easton.

The total passenger train miles at present operated in this territory, excluding through trains, is 2,471,568 per annum and under the proposed new time table, there will be operated 1,981,488 miles, or a decrease of 490,080 miles per annum.

On the Old Colony which now operates 1,519,992 miles per annum, there will be a decrease of 279,528. On the Boston & Providence which now operates 741,480 miles, there will be a decrease of 131,376. On the New England there are now operated 210,096 miles and there will be a decrease of 79,176. There will be 93 stations at which no passenger trains will stop but the total number of stops proposed to be eliminated is 141,057 per annum.

It is my opinion that all of the economies heretofore mentioned will be effected through the proposed time table covering service on the Old Colony, Boston & Providence and New England Railroads. A substantial portion of these economies could not be made on the Old Colony without effecting economies on the other lines because the varied nature of the service performed in this territory makes it impractical in many cases properly to effect operating requirements without affecting two or three railroads.

(No cross examination of the witness.)

CHARLES F. CALEY, called as a witness on behalf of the Trustees, being first duly sworn, testified as follows:

Direct examination.

By Mr. Filer:

I am employed by the Trustees of the New Haven and of the Old Colony as Transportation Analyst. I have been employed by the New Haven twenty-eight years, including [fol. 91] service in the Freight Accounting Department, in the Auditor of Disbursements' office, Travel Accountant, Divisional Accountant, ten years with the General Manager and for the past two years with the Research Department in my present position. As Transportation Analyst my

principal duties consist of analyzing various lines of railroad to determine their earning power.

I have made a study to determine the results from the operation of local passenger service on lines of the New England, which indicates that substantial losses are incurred in the operation of local passenger service on the lines of the New England in the Boston territory.

(At this point Mr. Filer offered in evidence a tabulation of local passenger service east of Boston Switch, Rhode Island, and Blackstone, Massachusetts, and revenues and expenses for the representative month October, 1938, which was received without objection and marked Exhibit 11.)

The Witness (continuing): Exhibit 11 shows that the total passenger operating revenues for the lines of the New England in the East End territory amounted to $12,771.11 and against that revenues were operating expenses, taxes and joint facility rents amounting to $40,870.30, indicating a deficit per month of $28,099.19, or, on an annual basis, of $337,190.

I have prepared a statement of the annual estimated savings that will result from operation of local passenger trains substantially in accordance with the time table set forth in Exhibit A to the Trustees' answer.

(At this point Mr. Filer offered in evidence a tabulation of estimated savings per annum from proposed changes in train service and station elimination in the territory east of Boston Switch, Rhode Island and Blackstone, Massachusetts, separated between Old Colony Railroad, Bos-
[fol. 92] ton & Providence Railroad and other New Haven Railroad lines, which was received without objection and marked Exhibit 12.)

The Witness (continuing): On Exhibit 12 the item "Elimination of Second Track and Signal Stations" is based on the elimination of second track between Canton Junction and North Easton and Cotley Junction and New Bedford. With the elimination of the passenger trains proposed in Schedule A, the second track will no longer be required. A saving in track structure maintenance is brought about by eliminating the necessity for maintaining the track in as smooth an operating condition as is required under passenger train operation. The item relating to reduction in employees' retirement and social security

taxes is based on payrolls. After the present train service has been in effect for a short time, it will then definitely be determined how much of the second track shown in the item of additional elimination of second track can be eliminated. The item "Abandonment of Branch Lines" covers the additional saving that will accrue when and if the Interstate Commerce Commission approves two of the petitions now before that body covering the line from Greenbush to Kingston and from West Hanover to Hanover. With the elimination of the second track and the total elimination or diminution of passenger train service, there is no reason why we cannot go to automatic flasher signals at the various grade crossings.

"Mr. Filer: Mr. Caley, are there any further savings possible through the changes proposed in the time table marked Exhibit A?

The Witness: Yes, sir. The item of train stops at the stations eliminated under this proposed time table total 141,057 stops per year, which if computed at the minimum cost of 34 cents, does not take into consideration the additional amount necessary to start and stop trains on grades [fol. 93] and curves, but it is predicated on level tangent track. A large part, or the majority, of the eighty-eight stations are either on a curve or a grade or both, and therefore the savings shown here are absolutely a minimum.

Mr. Filer: Are there any other items of possible savings?

The Witness: With the institution of the proposed schedule it will be possible to set aside from the east end local service seventeen locomotives, twenty-eight coaches, three combination baggage passenger cars, and three baggage cars, or a total of thirty-four units. Operating expenses will thereby be decreased by $25,767 per year, covering depreciation charged for those units now in service.

Mr. Filer: In addition there will be other savings, will there not, Mr. Caley, which cannot be accurately estimated at the present time?

The Witness: Yes, sir.

Mr. Filer: What would some of those items of savings be?

The Witness: Well, with the elimination of eighty-eight stations it will no longer be necessary to furnish those stations with tariffs, time tables, stationery. It will also mean a reduction in the cost of relief agents, work train handling station coal and supplies, the cleaning of station grounds and approaches, and various small supplies at

stations, stove repairs and various items which at this time we are unable to evaluate, but collectively over a period of a year amount to considerable money.

Mr. Filer: So that the savings which you set forth in Exhibit No. 12 are only the savings which you could estimate very accurately at the present time, and in your opinion there would be a substantial amount of other savings?

The Witness: Yes, sir. That has always followed in previous reductions of this kind.

[fol. 94] Judge Hincks: If the items which you just mentioned are not included in the item shown on Exhibit 12 under maintenance of stations, what sort of items are there included?

The Witness: The item of maintenance covers mainly the repairs to the station structure itself, that is, the building and platforms.

Judge Hincks: How about the heating of the station?

The Witness: The heating of the station, lighting and water has been included in the item shown under station wages and supplies, but in addition to that there are these many small items such as time tables, tariffs, that have not been included in those costs shown above.

Mr. Filer: Mr. Caley, in mentioning these savings you referred to eighty-eight stations.

The Witness: I should have said ninety-three.

Mr. Filer: Ninety-three stations at which all passenger trains would stop if the proposed schedule were made effective?

The Witness: Yes, sir. Eighty-eight in Massachusetts, five in Rhode Island."

(The witness was further examined by Mr. Cutter as follows:)

"Mr. Cutter: I have one question, Mr. Caley. You referred to the release of equipment as eliminating depreciation on the equipment as a charge in the amount of $25,767. With respect to Old Colony Railroad Company, which owns no equipment and is charged in the recommendation with interest on investment in equipment, would there not be an additional savings to Old Colony because it would be relieved of some of that interest?

The Witness: So far as the Old Colony Railroad is concerned, it will mean a reduction in that rental.

Mr. Cutter: That would be true also for the Boston & Providence?

[fol. 95] The Witness: And for the Boston & Providence.

Mr. Cutter: I am not sure that I caught this on your direct, but from your statement as to the general study that ensued, am I correct in my understanding that this testimony of yours has been supported by a great mass of independent individual surveys of stations and operations?

The Witness: Yes, sir.

Mr. Cutter: And these have been checked and rechecked with the appropriate departments of the railroad?

The Witness: They have all had opportunity and have checked and conferred on the exhibits that were introduced by me before the Department of Public Utilities of Massachusetts.

Mr. Cutter: And in your judgment, have they been prepared on a proper basis?

The Witness: Yes, sir."

(No cross examination of the witness.)

Exhibit 13 is a statement prepared by Henry M. Erving, showing the stations to be abandoned in territory east of Providence, Rhode Island, and Blackstone, Massachusetts, with record of average passengers and the miles by highway to the nearest railroad station. This statement shows the 93 stations at which no passenger trains will stop, if local trains are operated on a proposed revised schedule. It shows the number of passengers boarding and leaving trains, and the distance from each station to the nearest station (the mileage is shown by highway but all mileage has been omitted where all passenger train service over a given line is to be discontinued—the lines between Yarmouth and Provincetown on the lower Cape, between North Attleboro and Norwood Central, and similar cases). The first column, showing the Monday-Friday average, means the average per day for the five days.

Exhibit 14, prepared by Charles F. Caley, is a statement of revenues and expenses from ticket sales and cash transfers for the month of October, 1937, at each of the 88 stations, located in Massachusetts.

[fol. 96] STIPULATION

Mr. Shaw: If your Honor please, Mr. Pecce has asked for a stipulation with reference to the proceedings now pending before the Department of Public Utilities, and I should like to read a stipulation to which Mr. Pecce and all counsel present here have consented.

The stipulation is that the Trustees of the Principal Debtor, on December 28, 1937, made application to the Department of Public Utilities for the Commonwealth of Massachusetts for the written approval of said Department to the abandonment of 88 local passenger stations, all of which are located within the Commonwealth of Massachusetts; that the Trustees further seasonably advised the Department of time tables prepared to be made effective March 27, 1938, which contemplated the discontinuance of certain trains and certain rearrangements in train service;

That thereafter on its own motion, the Department entered into an investigation and ordered hearings which were combined with the hearings ordered by the Department on the application of the Trustees relating to the abandonment of the 88 passenger stations;

That hearings on these matters were begun before the Department on February 23, 1938, and have continued from time to time on the following dates: February 23 and 28, March 2, 7, 9, 10, 14, 15, 16, 28, and 30, April 5, 7, and 20, May 2, 4, 9, 16, 17, and 24, and June 16, all in 1938;

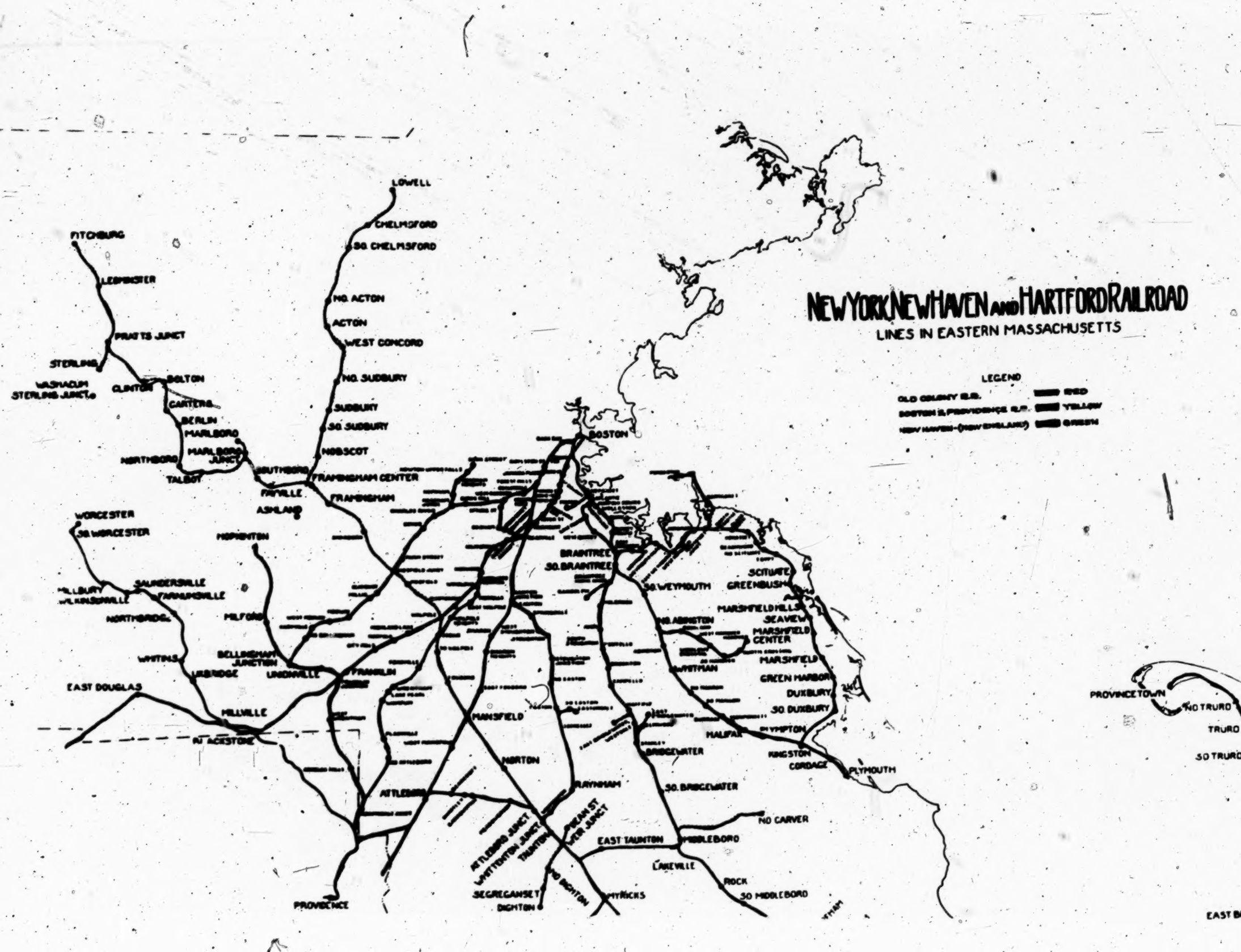
And that those hearings have not been completed and may not be completed for a considerable time in the future;

And that the Department has entered no order upon the application of the Trustees;

And that the matters embraced by the application of the Trustees to the Department are among the matters involved by the Petition for Order No. 289 and the Trustees' Answer thereto now pending before this Court.

Hincks, J.: Very well. Let the stipulation be noted.

(Here follows one photolithograph, side folio 97)


NEW YORK NEW HAVEN AND HARTFORD RAILROAD
LINES IN EASTERN MASSACHUSETTS
LEGEND
OLD COLONY S.S. RED
BOSTON & PROVIDENCE R.R. YELLOW
NEW HAVEN-(NEW ENGLAND) GREEN
LOWELL
CHELMSFORD
SO. CHELMSFORD
NO. ACTON
ACTON
WEST CONCORD
NO. SUDBURY
SUDBURY
SO. SUDBURY
HOBSCOT
FRAMINGHAM CENTER
FRAMINGHAM
FITCHBURG
LEOMINSTER
PRATTS JUNCT
STERLING
WASHACUM STERLING JUNCT.
CLINTON
BOLTON
CARTERS
BERLIN
MARLBORO
MARLBORO JUNCT
NORTHBORO
TALBOT
SOUTHBORO
FAYVILLE
ASHLAND
WORCESTER
SO. WORCESTER
HOPKINTON
MILLBURY
WILKINSONVILLE
SAUNDERSVILLE
FARNUMSVILLE
NORTHBRIDGE
MILFORD
WHITINS
UXBRIDGE
BELLINGHAM JUNCTION
UNIONVILLE
FRANKLIN
EAST DOUGLAS
MILLVILLE
NO. ACESTONE
MANSFIELD
NORTON
ATTLEBORO
ATTLEBORO JUNCT
WHITTENTON JUNCT
TAUNTON
PROVIDENCE
SEGREGANSET
DIGHTON
PEAN ST RIVER JUNCT
NO DIGHTON
WYMOCKS
BOSTON
BRAINTREE
SO. BRAINTREE
SO. WEYMOUTH
SCITUATE
GREENBUSH
MARSHFIELD HILLS
SEAVIEW
NO. ABINGTON
MARSHFIELD CENTER
MARSHFIELD
WESTMAN
GREEN HARBOR
DUXBURY
SO. DUXBURY
HALIFAX
BRIDGEWATER
KINGSTON
CORDAGE
PLYMOUTH
SO. BRIDGEWATER
NO CARVER
EAST TAUNTON
MIDDLEBORO
LAKEVILLE
ROCK
SO. MIDDLEBORO
PROVINCETOWN
NO TRURO
TRURO
SO TRURO

LEGEND

OLD COLONY S.R. — RED

BOSTON & PROVIDENCE R.R. — YELLOW

NEW HAVEN (NEW ENGLAND) — GREEN

CLINTON
BOLTON
CARTERS
BERLIN
MARLBORO
MARLBORO JUNCT
NORTHBORO
TALBOT
SOUTHBORO
FAYVILLE
ASHLAND
NO. SUDBURY
SUDBURY
SO. SUDBURY
NOBSCOT
FRAMINGHAM CENTER
FRAMINGHAM
WORCESTER
SO. WORCESTER
HOPKINTON
BOSTON
BRAINTREE
SO. BRAINTREE
SCITUATE
GREENBUSH
SO. WEYMOUTH
MARSHFIELD HILLS
SEAVIEW
NO. ABINGTON
MARSHFIELD CENTER
MARSHFIELD
HANSON
GREEN HARBOR
DUXBURY
SO. DUXBURY
HALIFAX
PLYMPTON
BRIDGEWATER
KINGSTON
CORDAGE
PLYMOUTH
SAUNDERSVILLE
NORTHBRIDGE
MILFORD
WHITINS
BELLINGHAM JUNCTION
UXBRIDGE
UNIONVILLE
FRANKLIN
ST DOUGLAS
MILLVILLE
RI ACKESTONE
MANSFIELD
NORTON
ATTLEBORO
PLAINVILLE
SO. BRIDGEWATER
NO. CARVER
ATTLEBORO JUNCT
WATTENTON JUNCT
TAUNTON
DEAN ST. WEIR JUNCT
EAST TAUNTON
MIDDLEBORO
LAKEVILLE
ROCK
SO. MIDDLEBORO
PROVIDENCE
SEGREGANSET
DIGHTON
RI DIGHTON
MYRICKS
SOMERSET
ASSONET
TIVERTS
SOMERSET JUNCT
EAST FREETOWN
TREMONT
SO. WAREHAM
WAREHAM CENTER
BUZZARDS BAY
SAGAMORE
SANDWICH
EAST SANDWICH
BOURNE
GRAY GABLES
MONUMENT BEACH
POCASSET
CATAUMET
FALL RIVER
WATUPPA
WESTPORT FACTORY
FERRY ST
BRALEYS
MARION
MATTAPOISETT
NB DARTMOUTH
MT PLEASANT
WELD ST
NEW BEDFORD
N B WHARF
FAIRHAVEN
WEST FALMOUTH
FALMOUTH
WOODS HOLL
BARNSTABLE
WEST BARNSTABLE
HYANNIS
DARTMOUTH
SO DENNIS
BASS RIVER
EAST BREWSTER
BREWSTER
PLEASANT LAKE
HARWICH
NORTH HARWICH
SO CHATHAM
CHATHAM
EASTHAM
NO. EASTHAM
WELLFLEET
SO WELLFLEET
TRURO
SO TRURO
NO TRURO
PROVINCETOWN

[fol. 98]

EXHIBIT 2

Howard S. Palmer, James Lee Loomis, Henry B. Sawyer, Trustees,
The New York, New Haven and Hartford Railroad Company, Debtor,
Old Colony Railroad Company, Debtor

Segregated Revenues and Expenses—Year Ending May 31, 1937

	Old Colony System			
	Old Colony R. R.	Boston & Providence R. R.	P., W. & B. R. R.	Total
Operating Revenues:				
Freight	$4,046,753.58	$3,575,215.45	$56,077.33	$7,678,046.36
Passenger	2,007,787.68	2,635,183.33	51,468.15	4,694,439.16
Other	623,898.19	1,143,052.14	33,453.93	1,800,404.26
Total Operating Revenues	6,678,439.45	7,353,450.92	140,999.41	14,172,889.78
Operating Expenses:				
Maint. of Way & Structures	1,256,961.69	755,410.26	52,333.67	2,064,705.62
Maint. of Equipment	1,629,337.91	1,481,171.91	28,197.25	3,138,707.07
Traffic	111,295.27	122,158.49	2,230.67	235,684.43
Transportation	3,930,003.84	3,504,821.32	158,529.53	7,593,354.69
Miscellaneous Operations	3,348.05	162,405.42	15,849.09	181,602.56
General	383,472.86	333,835.75	13,894.74	731,203.35
Transportation for Inv.—Cr.	* 785.43	* 355.22	.....	* 1,140.65
Total Operating Expenses	7,313,634.19	6,059,447.93	271,034.95	13,944,117.07
Net. Rev. from Ry. Operations	* 635,194.74	994,002.99	* 130,035.54	228,772.71
Railway Tax Accruals	611,628.59	948,376.35	44,195.62	1,604,200.56

* Credit. * Deficit.

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Exhibit 2—Continued

Howard S. Palmer, James Lee Loomis, Henry B. Sawyer, Trustees,
The New York, New Haven and Hartford Railroad Company, Debtor,
Old Colony Railroad Company, Debtor

Segregated Revenues and Expenses—Year Ending May 31, 1937—Continued

	Old Colony System			
	Old Colony R. R.	Boston & Providence R. R.	P., W. & B. R. R.	Total
Hire of Freight Cars—Dr. Bal	171,413.32	246,284.27	5,303.45	423,001.04
Other Equipment Rents—Net Dr	999.75	25,843.09	.....	26,842.84
Joint Facility Rents—Net Dr.	448,317.89	414,726.05	.....	863,043.94
Net Railway Oper. Income	$ 1,867,554.29	$ 641,226.77	$ 179,534.61	$ 2,688,315.67
Non-Operating Income	153,441.55	162,229.55	9,076.33	324,747.43
Gross Income	$ 1,714,112.74	$ 478,997.22	$ 170,458.28	$ 2,363,568.24
Rent for Leased Road	3,020.36	511,500.00	51,329.17	565,849.53
Other Deductions from Gross Income	126,555.80	145,753.15	-2,346.82	274,655.77
Net Income	$ $1,843,688.90	$ $1,136,250.37	$ $224,134.27	$ $3,204,073.54
Handling Company Coal	$151,887.07	$83,907.24	$1,245.80	$237,040.11
Int. on Inv. in Equipment	158,676.06	176,650.91	6,287.60	341,614.57
Int. on Inv. in Facilities	104,858.43	786,241.17	48,484.50	729,867.24
Leased Line Rent not Accrued	2,504,932.00	.....	22,290.67	2,527,222.67
Amortizing Inc. in Leased Property	974.54	76,574.52	.....	77,549.06

[fol. 99]

Exhibit 3

Segregated Revenues and Expenses—Year 1937

Operating Revenues:				
Freight	$3,713,029.69	$3,405,998.89	$50,792.24	$7,169,820.82
Passenger	2,018,973.51	2,647,936.55	46,388.31	4,713,298.37

Other	617,705.54	1,211,557.09	31,764.26	1,861,026.89
Total Operating Revenues	6,349,708.74	7,265,492.53	128,944.81	13,744,146.08
Operating Expenses:				
Maint. of Way & Structures	1,233,352.02	855,171.49	55,991.72	2,144,515.23
Maint. of Equipment	1,801,231.05	1,615,767.57	28,499.35	3,445,497.97
Traffic	110,199.32	121,466.10	1,980.15	233,645.57
Transportation	3,975,794.74	3,646,217.73	156,417.01	7,778,429.48
Miscellaneous Operations	7,829.64	183,833.75	14,770.50	206,433.89
General	342,257.93	309,158.04	12,168.85	663,584.82
Transportation for Inv.—Cr.	* 607.03	* 238.86	.....	* 845.89
Total Operating Expenses	7,470,057.67	6,731,375.82	269,827.58	14,471,261.07
Net Rev. from Ry. Operations	$ 1,120,348.93	534,116.71	$ 140,882.77	$ 727,114.99
Railway Tax Accruals	618,888.03	972,519.05	43,104.60	1,634,511.68
Hire of Freight Cars—Dr. Bal.	168,049.48	242,522.93	4,943.37	415,515.78
Other Equipment Rents—Net Dr	1,875.75	26,657.12	.....	28,532.87
Joint Facility Rents—Net Dr.	451,700.10	430,665.44	.....	882,365.54
Net Railway Oper. Income	$ 2,360,862.29	$ 1,138,247.83	$ 188,930.74	$ 3,688,040.86
Non-Operating Income	120,038.73	127,859.11	9,122.13	257,019.97
Gross Income	$ 2,240,823.56	$ 1,010,388.72	$ 179,808.61	$ 3,431,020.89
Rent for Leased Road	.....	511,500.01	8,384.26	519,884.27
Other Deductions from Gross Income	79,416.39	146,362.07	2,080.63	227,859.09
Net Income	$ $2,320,239.95	$ $1,668,250.80	$ $190,273.50	$ $4,178,764.25
Handling Company Coal	$147,902.65	$82,240.31	$994.96	$231,137.92
Int. on Inv. in Equipment	150,151.12	175,817.05	6,191.80	332,159.97
Int. on Inv. in Facilities	109,375.68	788,676.47	44,340.19	723,640.98
Leased Line Rent not Accrued	2,507,957.00	.....	65,235.58	2,573,192.58
Amortizing Inv in Leased Property	229.08	72,810.76	.....	73,039.84

* Credit. $ Deficit.

[fol. 100] EXHIBIT 4

Howard S. Palmer, James Lee Loomis, Henry B. Sawyer, Trustees,
The New York, New Haven and Hartford Railroad Company, Debtor,
Old Colony Railroad Company, Debtor

Separation of Segregated Revenues and Expenses between Freight and Passenger Services
Old Colony Railroad—Year 1937

	Freight	Passenger	Total
Operating Revenues:			
Freight	$3,713,029.69	—	$3,713,029.69
Passenger	—	$2,018,973.51	2,018,973.51
Other	116,783.41	500,922.13	617,705.54
Total Operating Revenues	3,829,813.10	2,519,895.64	6,349,708.74
Operating Expenses:			
Maint. of Way & Structures	530,722.05	702,629.97	1,233,352.96
Maint. of Equipment	794,246.05	1,006,985.00	1,801,231.05
Traffic	56,991.38	53,207.94	110,199.32
Transportation	1,602,202.70	2,373,592.04	3,975,794.74
Misc. Operations	—	7,829.64	7,829.64
General	140,137.25	202,120.68	342,257.93
Transp. for Inv.—Cr.	* 604.34	* 2.69	* 607.03
Total Operating Expenses	3,123,695.09	4,346,362.58	7,470,057.67
Net Rev. from Rwy. Operations	706,118.01	$ 1,826,466.94	$ 1,120,348.93
Railway Tax Accruals	258,818.97	360,069.06	618,888.03
Hire of Frt. Cars—Dr. Bal.	168,049.48	—	168,049.48
Other Equip. Rents—Net Dr.	—	1,875.75	1,875.75
Jt. Facility Rents—Net Dr.	3,971.05	447,729.05	451,700.00
Net Railway Operating Income	$275,278.51	$ $2,636,140.80	$ $2,360,862.29

* Credit.
$ Deficit.

[fol. 101] EXHIBIT 6

This exhibit is a book entitled "Survey of Old Colony System Operations".

(Omitted pursuant to stipulation and order.)

EXHIBIT 7

Howard S. Palmer, James Lee Loomis, Henry B. Sawyer, Trustees,
The New York, New Haven and Hartford Railroad Company, Debtor

Estimated Summary of Accounts Covering Administration of the Property of Old Colony Railroad Company for period January 1st to June 30, 1938

	Old Colony	Boston & Providence	Total
Payments under Lease Obligations	None	None	None
Capital Expenditures (Net) Note (1)	$49,140	$1,197	$50,337
Operating Deficits (Note 2)	1,415,329	769,699	2,185,028
Charges for handling Company Coal and Interest on Investment in Equipment and Other Facilities not included in above Operating Deficits	79,609	529,177	608,786
Grand Total	$1,544,078	$1,300,073	$2,844,151

Note (1)—Estimate based on five months actual and June estimated.
Note (2)—Estimate based on three months segregation and three months estimated.

New Haven, Conn.,
July 6, 1938.

EXHIBIT 8

Howard S. Palmer, James Lee Loomis, Henry B. Sawyer, Trustees
The New York, New Haven and Hartford Railroad Company, Debtor
Old Colony Railroad Company, Debtor

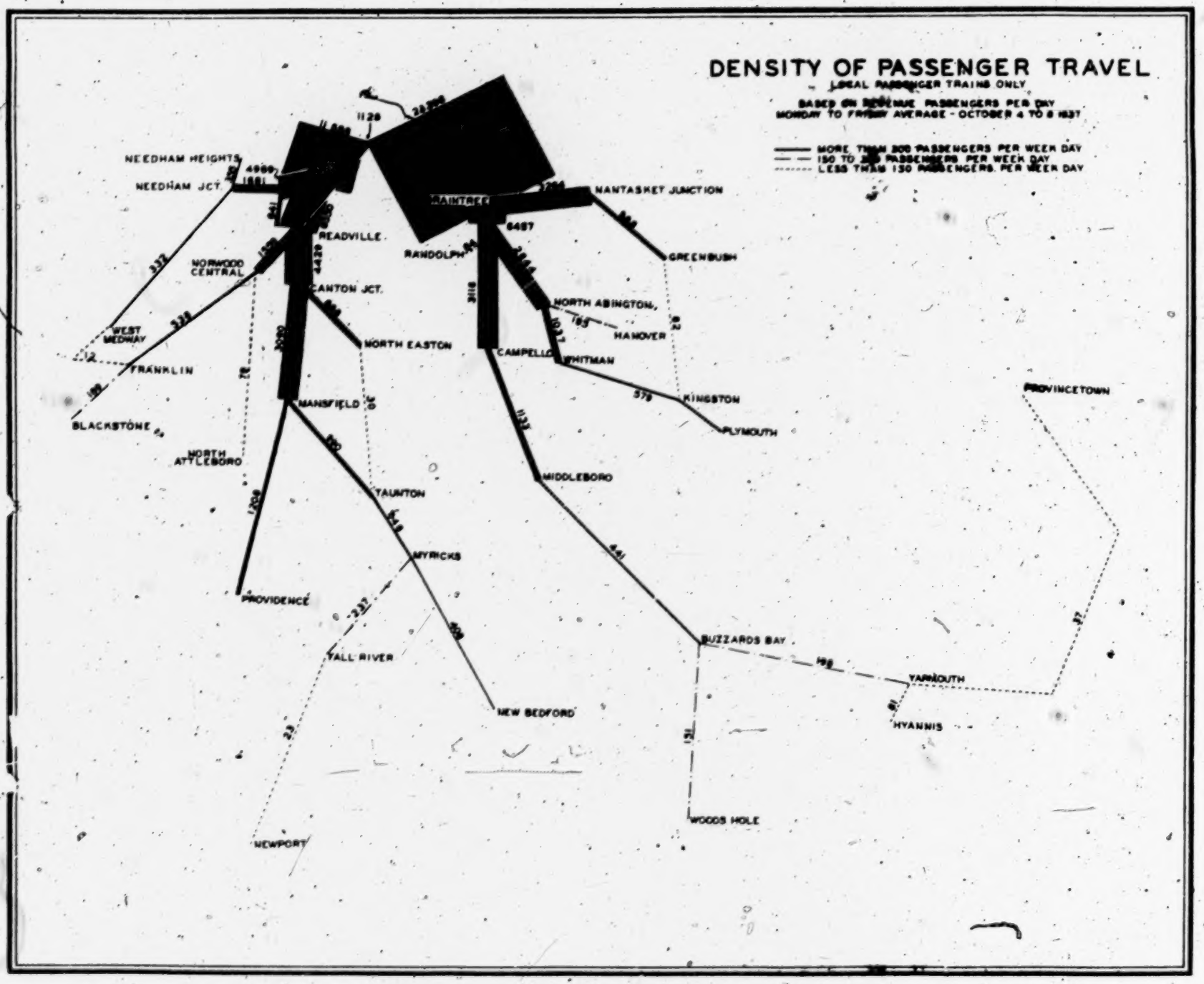
	Massachusetts Passenger Car Registrations (*)		Total Passengers Into and Out of Boston							
			Via Atlantic		Via Back Bay		Via Dorchester		Total	
	Number	Index	Passengers	Index	Passengers	Index	Passengers	Index	Passengers	Index
1917	.....	...	15,789,591	96	10,384,480	81	3,437,830	73	29,611,901	87
1918	.....	..	15,564,203	95	10,433,979	82	3,323,096	70	29,321,278	87
1919	.....	..	16,782,834	103	12,611,567	99	4,850,940	103	34,245,341	101
1920	223,412	100	16,366,203	100	12,798,216	100	4,732,261	100	33,896,680	100
1921	305,471	137	15,915,447	97	11,606,750	91	4,042,659	85	31,564,856	93
1922	325,307	146	15,895,907	97	11,250,408	88	3,645,505	77	30,791,820	91
1923	407,645	183	16,121,408	99	11,031,656	86	3,400,228	72	30,553,292	90
1924	486,952	218	15,679,241	96	9,797,556	77	2,657,774	56	28,134,571	83
1925	554,813	249	14,691,189	90	9,319,491	73	2,274,581	48	26,285,261	78
1926	593,234	266	14,757,005	90	9,308,066	73	2,046,411	43	26,111,482	77
1927	614,359	275	13,900,179	85	8,870,216	69	1,965,198	42	24,735,593	73
1928	637,153	286	12,251,910	75	8,280,277	65	1,603,346	34	22,135,533	65
1929	719,436	322	11,554,643	71	8,193,633	64	1,344,921	28	21,093,197	62
1930	743,288	333	10,654,725	65	7,608,599	59	1,026,241	22	19,289,565	57
1931	736,302	330	9,349,929	57	6,687,679	52	683,716	14	16,721,324	49
1932	698,358	313	8,006,020	49	5,440,460	43	440,590	9	13,887,070	41
1933	689,934	309	7,099,717	43	4,725,405	37	339,076	7	12,164,198	36
1934	686,884	308	7,361,361	45	5,123,925	40	340,319	7	12,825,605	38
1935	684,973	307	7,413,461	45	5,354,702	42	341,919	7	13,110,082	39
1936	714,081	320	7,901,431	48	6,036,415	47	370,709	8	14,308,555	42
1937	.....	....	8,000,724	49	6,297,366	49	407,025	9	14,705,115	43

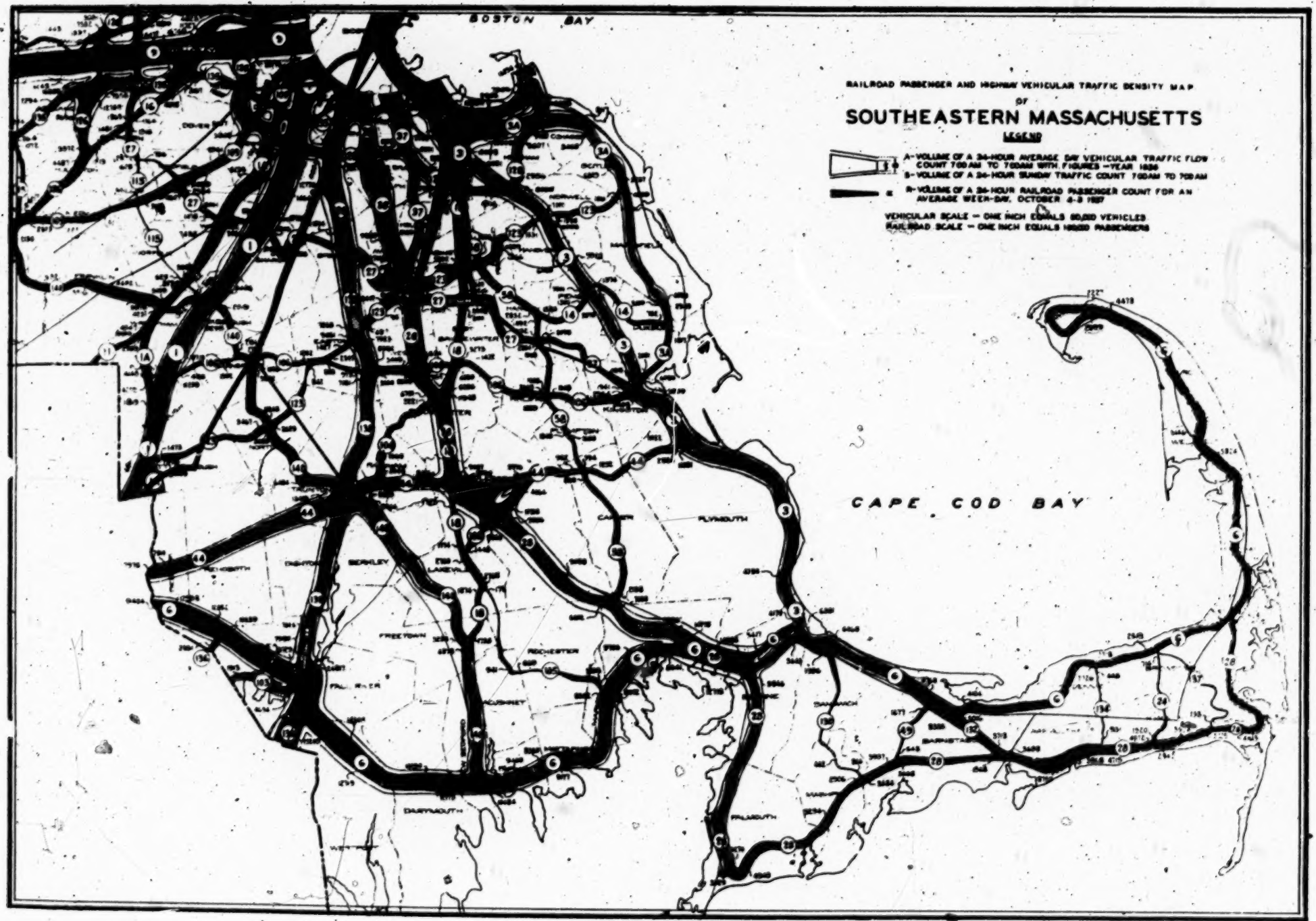
Index—1920 equals 100

(*) Automobile Facts and Figures, published by Automobile Manufacturers Association.

Boston, Massachusetts.
February 21, 1938.

(Here follows two photolithographs, side folios 103 and 104)


DENSITY OF PASSENGER TRAVEL
LOCAL PASSENGER TRAINS ONLY
BASED ON REVENUE PASSENGERS PER DAY
MONDAY TO FRIDAY AVERAGE - OCTOBER 4 TO 8 1937
MORE THAN 300 PASSENGERS PER WEEK DAY
150 TO 300 PASSENGERS PER WEEK DAY
LESS THAN 150 PASSENGERS PER WEEK DAY
NEEDHAM HEIGHTS
NEEDHAM JCT.
READVILLE
NORWOOD CENTRAL
CANTON JCT.
WEST MEDWAY
FRANKLIN
BLACKSTONE
NORTH EASTON
MANSFIELD
NORTH ATTLEBORO
TAUNTON
MYRICKS
PROVIDENCE
FALL RIVER
NEW BEDFORD
NEWPORT
RANDOLPH
BRAINTREE
NANTASKET JUNCTION
GREENBUSH
NORTH ABINGTON
HANOVER
CAMPELLO
WHITMAN
KINGSTON
PLYMOUTH
MIDDLEBORO
BUZZARDS BAY
PROVINCETOWN
YARMOUTH
HYANNIS
WOODS HOLE


BOSTON BAY
RAILROAD PASSENGER AND HIGHWAY VEHICULAR TRAFFIC DENSITY MAP
OF
SOUTHEASTERN MASSACHUSETTS
LEGEND
A- VOLUME OF A 24-HOUR AVERAGE DAY VEHICULAR TRAFFIC FLOW COUNT 7:00 AM TO 7:00AM WITH FIGURES - YEAR 1956
B- VOLUME OF A 24-HOUR SUNDAY TRAFFIC COUNT 7:00AM TO 7:00 AM
R- VOLUME OF A 24-HOUR RAILROAD PASSENGER COUNT FOR AN AVERAGE WEEK-DAY, OCTOBER 4-5 1927
VEHICULAR SCALE - ONE INCH EQUALS 50,000 VEHICLES
RAILROAD SCALE - ONE INCH EQUALS 10,000 PASSENGERS
CAPE COD BAY
PLYMOUTH
BERKLEY
FREETOWN
ROCHESTER
MARION
MATTAPOISETT
DARTMOUTH
FALMOUTH

[fols. 105-106] EXHIBIT 11

Howard S. Palmer, James Lee Loomis, Henry B. Sawyer Trustees,

The New York, New Haven and Hartford Railroad Company, Debtor

Local Passenger Service East of Boston Switch, R. I., and Blackstone, Mass. Revenues and Expenses—Representative Month (October, 1937)

The New York, New Haven and Hartford Railroad Company (New England Railroad)

Passenger Operating Revenues:	
Passenger	$10,802.03
Mail	533.14
Other Head End	513.09
Station	922.85
Total	12,771.11
Passenger Operating Expenses:	
Maintenance of Way & Structures	7,118.36
Maintenance of Equipment	7,968.69
Traffic	228.81
Transportation	20,423.32
General	1,765.04
Total	37,504.22
Taxes	1,551.38
Joint Facility Rents	1,814.70
Total Expenses	40,870.30
Deficit per Month	28,099.19
Or on an annual basis	$337,190.00

[fol. 107] EXHIBIT 12

Howard S. Palmer, James Lee Loomis, Henry B. Sawyer, Trustees,
The New York, New Haven & Hartford Railroad Company, Debtor
Old Colony Railroad Company, Debtor.

Estimated savings per annum from proposed changes in train service and station elimination in territory east of Boston Switch, R. I. and Blackstone, Mass., together with other possible savings, further separated between Old Colony Railroad, Boston & Providence Railroad and other New Haven Railroad lines:

	Old Colony Railroad	Boston & Providence Railroad	Other N. H. Railroad Lines	Total
Crews	$132,247	$58,271	$49,890	$240,408
Train Expense other than Crews	235,199	105,687	52,627	393,513
Maintenance of Stations	7,774	2,220	3,242	13,236
Wages and Supplies at Stations	25,792	6,312	18,242	50,346
Taxes at Stations	1,660	5,528	2,651	9,839
Elimination of Second Track and Signal Stations	23,318	3,182	.....	26,500
Saving in Track and Structure maintenance, passenger and freight versus freight service only	16,051	.....	2,287	18,338
Reduction in Employees Retirement and Social Security Taxes	18,272	8,023	5,444	31,739
Total Annual Savings—Train and Station elimination	460,313	189,223	134,383	783,919
Additional Elimination of second track	39,817	7,768	.....	47,585
Abandonment of Branch Lines	50,425	.....	.....	50,425
Substitution of Flashers for Manual Protection at Highway Grade Crossings	108,344	23,148	.....	131,492
Grand Total—Direct Saving	$658,899	$220,139	$134,383	$1,013,421

[fol. 108] EXHIBIT 13

Howard S. Palmer, James Lee Loomis, Henry B. Sawyer, Trustees
The New York, New Haven and Hartford Railroad Company; Debtor
Old Colony Railroad, Debtor

Stations to be Abandoned in Territory East of Providence, R. I. and Blackstone, Massachusetts, with Record of Average Passengers and the Miles by Highway —— the Nearest Railroad Station.

NOTE.—Miles to nearest railroad station have been omitted in cases where all passenger trains are to be discontinued.

On Lines of Old Colony in Massachusetts

Passengers Mon-Fri Avg. January 1938 On	Off		Miles to the nearest R. R. Station by Highway	Passengers Mon-Fri Avg. January 1938 On	Off		Miles to the nearest R. R. Station by Highway
5.8	.6	Easton	3.7	——	.2	Eastham	
2.2	1.0	Whittenton	2.0	.6	——	North Eastham	
.6	2.2	Ferry Street	1.5	.6	1.0	Rock	5.2
——	.6	Gray Gables	1.3	4.2	4.8	South Middleboro	7.8
.6	.8	Bourne	2.8	1.4	1.4	Tremont	4.7
6.2	7.2	Sagamore	2.7	23.4	5.0	Matfield	2.5
——	——	East Sandwich	2.9	10.8	10.8	Westdale	2.8
——	——	East Freetown	7.9	5.6	6.2	Halifax	2.9
1.0	.4	Weld Street	.7	4.6	4.6	Plympton	4.3

EXHIBIT 13—Continued

Old Lines of Old Colony in Massachusetts—Continued

Passengers Mon-Fri Avg. January 1938 On	Off		Miles to the nearest R. R. Station by Highway	Passengers Mon-Fri Avg. January 1938 On	Off		Miles to the nearest R. R. Station by Highway
——	——	Braleys	7.8	12.8	3.4	Stanley	1.2
7.0	5.4	North Attleboro		——	——	Norton	6.4
4.0	2.4	Plainville		——	——	South Wellfleet	
3.2	1.8	Wampum		1.0	1.0	Wellfleet	
——	——	Lake Pearl		——	——	South Truro	
8.8	6.4	Wrentham		2	——	Truro	
2.6	.2	Pondville		.2	1.0	North Truro	
15.4	3.8	Walpole Heights		3.6	4.8	Providencetown	
9.6	15.8	East Walpole		38.0	27.0	Randolph	
2.8	.8	Morrills		137.8	119.2	East Braintree	.8
——	.2	Bass River		9.6	11.4	West Hingham	.8
.2	.2	South Dennis		5.0	4.8	Nantasket Jct.	1.2
——	.8	North Harwich		8.2	10.8	North Cohasset	2.3
1.6	.6	Harwich		3.4	4.0	Black Rock	1.4
——	.2	Pleasant Lake		15.0	13.8	Beechwood	1.1
1.6	.6	Brewster		1.4	——	North Hanson	2.3
.2	.2	East Brewster		9.8	9.6	Burrage	1.6
2.8	1.4	Orleans					

[fol. 109] On Lines of Old Colony in Rhode Island

.6	.8	Tiverton		.2	.4	Portsmouth	
0.0	0.0	Middletown		8.8	8.0	Newport	
2.2	2.0	Bristol Ferry					

On Lines of Boston and Providence in Massachusetts

40.8	42.4	Spring Street	.5	11.6	9.8	West Stoughton	1.3
21.8	19.2	East Foxboro	2.6	43.0	18.2	Mount Hope	6.3
9.8	10.4	West Mansfield	3.4	33.4	28.4	Forest Hills	5.2
.6	.4	Sharon Heights	1.9	34.8	52.4	Jamaica Plain	4.4
5.0	5.8	Springdale	1.3	61.6	65.6	Boylston Street	3.9

On Lines of New England in Massachusetts

21.0	31.8	Ashcroft	1.1	64.0	94.2	Uphams Corner	
6.0	6.8	City Mills	1.8	35.2	42.0	Charles River	
7.4	4.4	Highland Lake	1.2	51.4	49.2	Dover	
7.6	10.8	Plimptonville	1.8	11.8	10.2	Farm Street	
3.0	5.6	Winslows	.7	34.6	36.8	Medfield Jct.	
36.8	30.8	Fairmount		16.4	20.2	Clicquot	
23.8	25.6	River Street		20.2	20.0	Millis	
13.8	22.6	Blue Hill Ave.		24.6	17.4	Medway	
19.6	26.4	Morton Street		25.8	26.0	West Medway	
63.0	96.0	Dorchester		1.6	2.4	Caryville	
129.4	147.0	Harvard Street		2.0	1.4	North Bellingham	
74.0	101.2	Mt. Bowdoin		1.8	1.8	Bellingham Jct.	
83.4	103.6	Bird Street					

(July 7, 1938)
rka

Exhibit 14

This exhibit is a statement of revenues and expenses from ticket sales and cash transfers for the month of October, 1937, at each of the 88 stations in Massachusetts.

(Omitted pursuant to stipulation and order.)

[fol. 110] In United States District Court

[Title omitted]

Petition for Appeal and Order Allowing Appeal

To the Honorable, the Justice of the United States District Court for the District of Connecticut:

Petition for Appeal from Order Made by the United States District Court for the District of Connecticut

Commonwealth of Massachusetts, Petition:

Your petitioner, the Commonwea-th of Massachusetts respectfully shows:

1. That the New York, New Haven and Hartford Railroad Company and the Old Colony Railroad Company respectively filed petitions in the United States District Court for the District of Connecticut for Reorganization under Section 77 of the Bankruptcy Act; that these petitions were approved by the Court as having been properly filed and trustees were appointed of the respective properties of the said Debtors.

[fol. 111] 2. That while the aforesaid petitions for Reorganization were pending Howard P. Palmer, James Lee Loomis and Henry B. Sawyer acting as trustees of both the New York, New Haven and Hartford Railroad Company and the Old Colony Railroad Company cause to be made certain preliminary studies of the operations of the properties of the Old Colony Railroad Company and the New York, New Haven and Hartford Railroad Company, and believing that certain operating economies could be effected by the abandonment of certain passenger stations and the curtailment of certain passenger service, on the twenty-eighth day of December, 1937, the said trustees made application to the Department of Public Utilities of the Commonwealth of

Massachusetts pursuant to the provisions of the Massachusetts General Laws, Chapter 160, Section 128 for the written approval of the said Department for the abandonment of eighty-eight local passenger stations located within the Commonwealth of Massachusetts; a copy of said list of said stations is hereto annexed, and marked Exhibit "B".

3. That the said Trustees also gave notice to the said Massachusetts Department of Public Utilities of certain proposed changes in time-table schedules to be made effective March 27, 1938, which time-table contemplated the discontinuance of certain trains and certain rearrangements of train service. That thereupon the said Massachusetts Department of Public Utilities, on its own motion, entered into an investigation and ordered hearings which were combined with the hearings ordered by the said Department on the petition of the said trustees relating to the abandonment of eighty-eight passenger stations; that the hearings on these matters were continued from time to time; that approximately twenty such hearings have been had upon said matters. These hearings were held pursuant to the provisions of the Massachusetts General Laws, Chapter 159, [fol. 112] Section 16 and Massachusetts General Laws, Chapter 160, Section 128.

4. That on the twentieth day of June, 1938, the Protective Committee of the Shareholders of Old Colony Railroad Company; the Mutual Savings Bank Group Committee on New Haven Railroad Bonds; and Old Colony Railroad Company, debtor, filed a petition with the District Court of the United States for the District of Connecticut and prayed said Court to issue an order of notice directing the trustees of the New York, New Haven and Hartford Railroad Company and of the Old Colony file with said Court on or before a date designated in said order of Notice a full statement of their recommendations as to the changes and modifications in the passenger service rendered on the lines of Old Colony, and as to any other operating economies on said lines, which said trustees believe can and should be presently put into effect in the interest of preserving the assets of the estate of Old Colony and its ability to serve the best interests of the public; and further prayed that said Court direct said trustees to take all such steps, as after hearings, to the Court shall appear to be desirable and proper, to effect certain economies in the operation of the railroad of the Old Colony.

5. That the trustees of the properties of the New York, New Haven and Hartford Railroad Company, Debtor and of the properties of the Old Colony Railroad Company, Debtor made an answer to the petition of the Mutual Savings Bank Group Committee on New Haven Railroad Bonds, the Protective Committee of the Shareholders of Old Colony Railroad Company and the Old Colony Railroad Company in which the said trustees recommended that certain changes and modifications in the passenger service then rendered on the lines of Old Colony Railroad Company and of New England Railroad Company be made.

[fol. 113] 6. That the Commonwealth of Massachusetts appeared generally by its Assistant Attorney General in opposition to the said petition.

7. That after a hearing was had upon the petition, the Honorable Carroll C. Hincks, District Judge for the District of Connecticut made an order, a copy of which is hereto annexed and marked Exhibit "C".

8. That pursuant to the aforesaid order, the trustees of the properties of the New York, New Haven and Hartford Railroad Company and of the Old Colony Railroad Company, put into effect the train schedules recommended by them, thereby substantially curtailing the passenger service and eliminating all stops at the stations enumerated on Exhibit "B", all of said stations are located within the Commonwealth of Massachusetts, and also eliminating all stops at the stations known as Tiverton, Bristol Ferry, Portsmouth, Middletown and Newport, these passenger stations are located on the lines of the Old Colony Railroad Company in the State of Rhode Island.

9. That the Honorable Carroll C. Hincks, District Judge of the District Court of Connecticut was seasonably informed of the pendency of the petitions presented by the trustees of the properties of the New York, New Haven and Hartford Railroad Company, Debtor, and of the properties of the Old Colony Railroad Company, Debtor, described in paragraphs two and three of this petition; the court was also informed that these petitions involved principally matters of regulation of passenger service within the Commonwealth of Massachusetts and a request was made to said Court for leave to have the said Department of Public Utilities conclude the hearings upon said petitions without the intervention of the Federal Court.

[fol. 114] 10. That the order made by the United States District Court for the District of Connecticut on the ninth day of July 1938 was an unauthorized exercise of judicial power in matters of intra-state regulations of railroad-; that such order constitutes an unwarranted and lawful invasion of the rights and powers vested with the Commonwealth of Massachusetts by its statutes relating to matters of intra-state regulations of railroads.

11. Your petitioner, feeling aggrieved by the order made by the United States District Court of the District of Connecticut and entered on the ninth day of July, 1938 in the above entitled proceedings and believing that there are present substantial grounds for reversal of said order, hereby respectfully prays that this Court grant an appeal from the said order; and further prays that a citation issue directed to all parties in interest and that the transcript of the records, proceedings and necessary evidence in aforesaid proceedings may be transmitted to the United States Circuit Court of Appeals for the Second Circuit for revision in matters of law.

12. That the parties interested in this appeal are the Mutual Savings Bank Group Committee on New Haven Railroad Bonds, Protective Committee of the Shareholders of the Old Colony Railroad Company, Old Colony Railroad Company and the trustees of the properties of the New York, New Haven and Hartford Railroad Company and the Old Colony Railroad Company.

Commonwealth of Massachusetts, Petitioner, Represented by Edward A. Pecce.

[fol. 115] I, Edward A. Pecce, being duly authorized attorney for the Commonwealth of Massachusetts, do hereby make solemn oath that the statements herein contained are true according to the best of my knowledge and belief.

Subscribed and sworn to before me this first day of August, 1938. Edward Grant, Notary Public, Kings County. Kings Co. Clk. No. 310, Reg. No. 447. N. Y. Co. Clk. No. 902, Reg. No. 0.G.553. Commission expires March 30, 1940. (Seal.)

Petition allowed. C. C. Hincks, U. S. D. J.

[fol. 116] EXHIBIT "B", ANNEXED TO PETITION FOR APPEAL

Stations

On Lines of Old Colony in Massachusetts

Easton	East Walpole	Stanley
Whittendon	Morrills	Norton
Ferry Street	Bass River	South Wellfleet
Gray Gables	South Dennis	Wellfleet
Bourne	North Harwich	South Truro
Sagamore	Harwich	Truro
East Sandwich	Pleasant Lake	North Truro
East Freetown	Brewster	Provincetown
Weld Street	East Brewster	Randolph
Brayleys	Orleans	East Braintree
North Attleboro	Eastham	West Hingham
Plainville	North Eastham	Nantasket Junction
Wampum	Rock	North Cohasset
Lake Pearl	South Middleboro	Black Rock
Wrentham	Tremont	Beechwood
Pondville	Matfield	North Hanson
Walpole Heights	Westdale	Burrage
	Halifax	
	Plympton	

On Lines of Boston and Providence in Massachusetts

Spring Street	Sharon Heights	Forest Hills
East Foxboro	Springdale	Jamaica Plain
West Mansfield	West Stoughton	Boylston Street
	Mount Hope	

On Lines of New England in Massachusetts

Ashcroft	Morton Street	Medfield Junction
City Mills	Dorchester	Clicquot
Highland Lake	Harvard Street	Millis
Plimptonville	Mt. Bowdoin	Medway
Winslows	Bird Street	West Medway
Fairmount	Uphams Corner	Caryville
River Street	Charles River	North Bellingham
Blue Hill Avenue	Dover	Bellingham Junction
	Farm Street	

[fol. 117] EXHIBIT "C", ANNEXED TO PETITION FOR APPEAL

Order

And so upon the record herein and upon the conclusions of the court based thereon,

It is Hereby Ordered and Decreed:

1. That the Trustees hereby are directed as promptly as possible to make effective the operating economies recommended by them by publishing and putting into effect schedules substantially those recommended by them and annexed to their answer, marked "Exhibit A", and by discontinuing, in their discretion, stops of passenger trains at the stations listed in Exhibit "B" annexed to their answer, and to continue such schedules in effect until and unless they, in their discretion, determine that changes in schedules are desirable because of seasonal changes in service requirements, because of changed business conditions, or for other reasons.

2. That the Trustees be and hereby are directed to continue to investigate the possibility of further operating economies upon and in connection with the lines of Old Colony and Boston and Providence Railroad Company and to report to this Court their recommendations with respect thereto from time to time.

Dated at New Haven this 9th day of July, 1938.

C. C. Hincks, United States District Judge.

[fol. 118] IN UNITED STATES DISTRICT COURT

[Title omitted]

ASSIGNMENT OF ERRORS

To the Honorable, the Justice of the United States District Court for the District of Connecticut.

Commonwealth of Massachusetts, Petitioner:

The Commonwealth of Massachusetts in the above entitled cause, files the following Assignment of Errors upon which the said petitioner will rely on the appeal from an order made by the United States District Court for the District of Connecticut on the 9th day of July, 1938:

1. That the United States District Court for the District of Connecticut erred in making the order dated July 9,

1938, directing the Trustees of the properties of the New York, New Haven and Hartford Railroad Company and of the properties of the Old Colony Railroad Company to eliminate all passenger train service at eighty-eight (88) stations located within the Commonwealth of Massachusetts. Such exercise of judicial power is not authorized by law.

[fol. 119] 2. That the United States District Court for the District of Connecticut erred in making the order dated July 9, 1938, directing the Trustees of the properties of the New York, New Haven and Hartford Railroad Company and of the properties of the Old Colony Railroad Company to eliminate all passenger train service at eighty-eight (88) stations located within the Commonwealth of Massachusetts. Such exercise of judicial power constitutes an unlawful invasion of State's Rights vested in your petitioner in matters of intra-state regulations of railroads.

3. That the United States District Court for the District of Connecticut erred in making the order dated July 9, 1938, directing the Trustees of the properties of the New York, New Haven and Hartford Railroad Company and of the properties of the Old Colony Railroad Company to eliminate all passenger train service at eighty-eight (88) stations located within the Commonwealth of Massachusetts. The total elimination of all passenger service at all these stations is tantamount to an abandonment of these stations. Such abandonment is not authorized by law without approval of the Interstate Commerce Commission.

Commonwealth of Massachusetts, Represented by Edward A. Pecce, Assistant Attorney General.

[fols. 120-121] Citation in usual form omitted in printing.

[fol. 122] IN UNITED STATES DISTRICT COURT

[Title omitted]

PRÆCIPE FOR TRANSCRIPT OF RECORD.

To the Clerk of the United States District Court for the District of Connecticut:

You are hereby requested to make a transcript of the record to be filed in the United States Circuit Court of Appeals for the Second Circuit, pursuant to an appeal allowed

in the above entitled cause, and to include in such transcript of record the following, to wit:

Statement Under Rule XIII.

Petition for order directing the Trustees of the Principal Debtor and of Old Colony Railroad Company to effect certain operating expenses.

Answer of Trustees of the Principal Debtor and of Old Colony Railroad to petition of Mutual Savings Bank Group Committee on New Haven Railroad Bonds, etc. to effect certain operating expenses.

Exhibits A and B annexed to aforesaid answer.

Order directing Trustees to effect certain operating expenses.

[fol. 123] Appearance of Commonwealth of Massachusetts.

Findings of facts, memorandum of decision and order on petition for Order No. 289.

Petition to stay execution and enforcement of Order No. 289.

Statement of the evidence.

Exhibit 1. Map of New York, New Haven and Hartford R. R. lines in Eastern Massachusetts.

Exhibit 2. Tabulation of segregated revenues and expenses, year ending May 31, 1937, Old Colony System.

Exhibit 3. Tabulations of segregated revenues and expenses, year 1937, Old Colony System.

Exhibit 4. Tabulation: Separation of segregated revenues and expenses between freight and passenger services, Old Colony R. R. year 1937.

Exhibit 7. Tabulation: Estimated summary of accounts covering administration of the property of Old Colony Co. for period January 1, 1938 to June 30, 1938.

Exhibit 8. Tabulation dated February 21, 1938, showing Massachusetts passenger car registration, and total passengers into and out of Boston for the years 1917 through 1937 inclusive.

Exhibit 9. Chart of density of passenger travel, local passenger trains only, based on revenue passengers per day, Monday to Friday average October 4 to 8, 1937.

Exhibit 10. Railroad passenger and highway vehicular traffic density map of Southeastern Mass.

Exhibit 11. Tabulation of local passenger service East of Boston Switch, Rhode Island and Blackstone, Mass., revenue and expenses October, 1937.

Exhibit 12. Tabulation of estimated savings per annum from proposed changes in train service and station elimination in territory east of Boston Switch, R. I. and Blackstone, Mass., together with other possible savings, further separated between Old Colony R. R., Boston & Providence R. R. and other New Haven Railroad lines.

Exhibit 13. Tabulations of stations to be abandoned in territory east of Providence, R. I. and Blackstone, Mass., [fol. 124] with record of average passengers and the miles of highway to the nearest railroad station.

Petition for appeal and order allowing appeal.

Exhibit B, annexed to petition for appeal.

Exhibit C, annexed to petition for appeal.

Assignment of errors.

Citation.

Order of Circuit Court granting leave to appeal.

Appellant's præcipe.

Appellant's petition for extension of time for filing transcript of record.

Order extending return day of citation to October 2, 1938.

Stipulation extending return day of citation to October 31, 1938.

Order extending return day of citation to October 31, 1938.

Stipulation as to exhibits.

Order as to exhibits.

Stipulation as to record.

Clerk's certificate.

Said transcript to be prepared as required by law and the rules of this Court and the rules of the United States Circuit Court of Appeals for the Second Circuit and to be filed in the office of the Clerk of the said United States Circuit Court of Appeals for the Second Circuit in the City of New York on or before the 31st day of October, 1938, pursuant to the order of this Court enlarging and extending said time.

Dated, October 3, 1938.

Commonwealth of Massachusetts, by Paul A. Dever, Attorney General, by Edward O. Proctor, Edward A. Pecce, Attorneys for the Appellant.

Service of the above præcipe accepted and acknowledged this — day of ——, 1938.

—— ——.

[fol. 125] IN UNITED STATES DISTRICT COURT

[Title omitted]

APPELLANT'S PETITION FOR EXTENSION OF TIME FOR FILING TRANSCRIPT OF THE RECORD

To the Honorable, the Justice of the United States District Court for the District of Connecticut:

Commonwealth of Massachusetts, appellant in the above entitled and numbered cause respectfully represents:

1. That this Honorable Court granted an appeal in the above entitled cause.

2. That the citation therein has been made returnable on the second day of September, 1938.

3. That because the transcript of the appeal consists of so many pages of printed matter, your petitioner is unable to have it prepared in time to have the same filed within thirty days from August third, 1938, the date on which the appeal was granted to petitioner herein, appellant in the cause; therefore it is necessary to obtain an [fol. 126] extension of thirty days from the second day of September, 1938, within which time to complete the said record or transcript of appeal.

Wherefore your petitioner and appellant respectfully prays that the return day of the aforesaid citation be extended and that the time for perfecting the appeal be enlarged to thirty days from and after September second, 1938, and for such other and further relief as to this Court may seem just and proper.

Dated, August 19, 1938.

Commonwealth of Massachusetts, by Paul A. Dever, Attorney General, by Edward A. Pecce, Asst. Atty. General.

[fol. 127] IN UNITED STATES DISTRICT COURT

[Title omitted]

ORDER EXTENDING RETURN DAY OF CITATION TO OCTOBER 2, 1938

For good cause shown, it is hereby ordered that the return day of the citation on the appeal of the Common-

wealth of Massachusetts be and it hereby is extended to and including the second day of October, 1938, and that the time within which Commonwealth of Massachusetts may docket such appeal and file the transcript of the record in the Circuit Court of Appeals for the Second Circuit, is hereby enlarged to the second day of October, 1938.

New Haven, Connecticut, August 26, 1938.

C. C. Hincks, United States District Judge.

[fol. 128] In United States District Court

[Title omitted]

Stipulation Extending Return Day of Citation to October 31, 1938

It is Hereby Stipulated by the parties to this appeal acting by their attorneys and subject to approval of the Court, that the return day of the citation in the above entitled matter be extended and that the time for docketing said case and for perfecting the said appeal be enlarged to and including October 31, 1938.

Dated, September 20, 1938.

Frederick H. Wiggins, Attorney for Bankers Trust Co., Trustee. Root, Clark, Buckner & Ballantine, by S. N. Scott, Attorney for Bank of N. Y. Fred [fol. 129] N. Oliver, Attorney for Mutual Savings Bank Group Committee on New Haven Bonds. Oscar M. Shaw, Attorney for Old Colony Railroad. R. A. Cutter, Attorney for Protective Committee of Shareholders of Old Colony R. R. Co. H. L. Filer, Attorney for Trustees of the Estate of N. Y., N. H. & H. R. R. Co. and of the Estate of Old Colony R. R. Co.

[fol. 130] In United States District Court

[Title omitted]

Order Extending Return Day of Citation to October 31, 1938

By stipulation of all parties to this appeal, and for good cause shown, it is hereby ordered that the return

day of the citation on the appeal of Commonwealth of Massachusetts be and it is hereby extended to and including the thirty-first day of October, 1938, and hat the time within which Commonwealth of Massachuset s may docket such appeal and file the transcript of the record in the Circuit Court of Appeals for the Second Circuit, is hereby enlarged to the thirty-first day of October, 1938.

C. C. Hincks, U. S. District Judge.

New Haven, Conn., September 27, 1938.

[fol. 131] IN UNITED STATES DISTRICT COURT

[Title omitted]

ORDER EXTENDING RETURN DAY OF CITATION TO NOVEMBER 7, 1938

For good cause shown, it is hereby ordered that the return day of the citation on the appeal of the Commonwealth of Massachusetts be and it hereby is extended to and including the 7th day of November, 1938, and that the time within which Commonwealth of Massachusetts may docket such appeal and file the transcript of the record in the Circuit Court of Appeals for the Second Circuit, is hereby enlarged to the 7th day of November, 1938.

New Haven, Connecticut, October 31, 1938.

C. C. Hincks, United States District Judge.

[fol. 132] IN UNITED STATES DISTRICT COURT

[Title omitted]

STIPULATION EXTENDING RETURN DAY OF CITATION TO NOVEMBER 7, 1938

It is Hereby Stipulated by the parties to this appeal acting by their attorneys and subject to approval of the Court, that the return day of the citation in the above entitled matter be extended and that the time for docket-

ing said case and for perfecting the said appeal be enlarged to and including the 7th day of November, 1938.

Dated, October 31, 1938.

Steward H. Jones, Attorney for Bankers Trust Co. Trustees. Stuart N. Scott, Attorney for Bank of N. Y. Fred N. Oliver, Willard P. Scott, Attorneys for Mutual Savings Bank Group Committee on New Haven Bonds. Oscar Shaw, Attorney for Old Colony Railroad. R. A. Cutter, Attorney for Protective Committee of Shareholders of Old Colony R. R. Co. W. W. Meyer, H. L. Filer, Attorneys for Trustees of the Estate of N. Y., N. H. & H. R. R. Co. and of the Estate of Old Colony R. R. Co.

[fol. 133] In United States Circuit Court of Appeals, Second Circuit

Present: Hon. Martin T. Manton, Hon. Learned Hand, Hon. Thomas W. Swan, Circuit Judges.

In the Matter of New York, New Haven & Hartford Railroad Company, Debtor; Commonwealth of Massachusetts, Appellant

Order Granting Leave to Appeal—October 11, 1938

A motion having been made herein by counsel for the appellant for leave to appeal from a certain order of the District Court dated July 9, 1938;

Upon consideration thereof, it is ordered that said motion be and hereby is granted.

Wm. Parkin, Clerk.

[fol. 134] In United States District Court

[Title omitted]

Stipulation as to Exhibits

It is hereby stipulated by the parties of this appeal acting by their attorneys, and subject to approval of the Court, that (1) a true copy of the volume entitled "New

York, New Haven and Hartford Railroad, Segregation of Earnings", referred to in the order of reference on petition for Order 217, (2) Exhibit 6 in these proceedings before the Court—"Survey of Old Colony System Operations", an operating survey of the east end passenger situation, and (3) a true copy of Exhibit 14, the "88 sheets showing statement of revenues and expenses from ticket sales and cash fares for the month of October, 1937 at each of the 88 stations listed in Exhibit B and located in the State of Massachusetts", be produced at the hearing before the United States Circuit Court of Appeals for the Second Circuit as a physical exhibit, without being reprinted, and that three copies thereof be furnished to the Court.

Dated, September 20, 1938.

Frederick H. Wiggins, Attorney for Bankers Trust [fol. 135] Co., Trustee. Root, Clark, Buckner & Ballantine, by S. N. Scott, Attorney for Bank of N. Y. Fred N. Oliver, Attorney for Mutual Savings Bank Group Committee on New Haven Bonds. Oscar M. Shaw, Attorney for Old Colony Railroad. R. A. Cutter, Attorney for Protective Committee of Shareholders of Old Colony R. R. Co. H. L. Filer, Attorney for Trustees of the Estate of N. Y., N. H. & H. R. R. Co. and of the Estate of Old Colony R. R. Co.

[fol. 136] In United States District Court

[Title omitted]

Order as to Exhibits

By stipulation of all parties to this appeal, acting through their attorneys, it is hereby ordered that (1) a true copy of the volume entitled "New York, New Haven and Hartford Railroad, Segregation of Earnings", referred to in the order of reference on petition for Order 217, (2) Exhibit 6 in these proceedings before the Court—"Survey of Old Colony System Operations", an operating survey of the east end passenger situation, and (3) a true copy of Exhibit 14, the "88 sheets showing statement of revenues and expenses from ticket sales and cash fares for the month of October, 1937 at each of the 88 stations listed in

Exhibit B and located in the State of Massachusetts", be produced at the hearing before the United States Circuit Court of Appeals for the Second Circuit as a physical exhibit, without being reprinted, and that three copies thereof be furnished to the Court.

Dated, September 27, 1938.

C. C. Hincks, United States District Judge.

[fol. 137] In United States District Court

[Title omitted]

Stipulation as to Record

It is Hereby stipulated and agreed that the foregoing is a true transcript of the record of the said District Court in the above entitled matter as agreed upon by the parties.

Dated, November 7, 1938.

Edward O. Proctor and Edward A. Pecce, Assistant Attorneys General for Appellant, Commonwealth of Massachusetts. W. W. Meyer and H. L. Filer, Attorneys for Respondent, Trustees of the Estate of New York, New Haven and Hartford Railroad Company and of the Estate of Old Colony Rail-[fol. 138] road Company. Fred N. Oliver and Willard P. Scott, Attorneys for Respondent, Mutual Savings Bank Group Committee on New Haven Bonds. R. Ammi Cutter, Attorney for Respondent, Protective Committee of Shareholders of Old Colony Railroad Company. Oscar M. Shaw, Attorney for Respondent, Old Colony Railroad Company. Stewart H. Jones, Attorney for Respondent, Bankers Trust Co., Trustee under First and Refunding Mortgage of Principal Debtor. Stuart N. Scott, Attorney for Respondent, Bank of New York, Trustee under The New England Railroad Company Consolidated Mortgage.

[fol. 139] Clerk's certificate to foregoing transcript omitted in printing.

[fol. 140] IN UNITED STATES CIRCUIT COURT OF APPEALS FOR THE SECOND CIRCUIT, OCTOBER TERM, 1938

Argued Dec. 19, 1938. Decided Jan. 16, 1939

No. 194

MYRON F. CONVERSE et al., Appellees,

v.

COMMONWEALTH OF MASSACHUSETTS, Appellant

In re NEW YORK, NEW HAVEN & HARTFORD R. R. et al.

Appeal from the District Court of the United States for the District of Connecticut

Before L. Hand, Swan, and Augustus N. Hand, Circuit Judges.

Appeal from an order in bankruptcy of the District Court for the District of Connecticut, directing the trustees in reorganization of the Old Colony Railroad and the New York, New Haven & Hartford Railroad, to discontinue passenger service on a part of their lines.

Edward O. Proctor, of Boston Mass., for appellant.

Fred N. Oliver, of New York City, for Converse and others.

E. R. Brumley, of New York City, for trustees of the railroads.

OPINION

L. HAND, Circuit Judge.

This is an appeal from an order in bankruptcy in the joint reorganization under § 77, Bankr. Act, 11 U. S. C. A. § 205, of the Old Colony Railroad and the New York, New Haven & Hartford Railroad, which directed the trustees of these two roads to discontinue stops of passenger trains at some 88 stations in Massachusetts and five in Rhode Island; the greater part of these being stations upon the Old Colony. On December 28, 1937, the trustees of the New Haven applied to the Department of Public Utilities of Massachusetts for leave to abandon the 88 passenger stations in question; the Department entertained the petition and held 21 hearings upon it, beginning on February 23d and ending

June 16th: these had not been completed, and might not be for a considerable time thereafter. The proceeding before us was begun on June 20, 1938, by the petition of a committee of the officers of savings banks which were holders of bonds of the New Haven. The trustees answered this petition and joined in its prayer; the judge directed that notice should be given to all persons interested; and the Commonwealth of Massachusetts appeared, denied the jurisdiction of the judge, and asserted that the only tribunal competent to pass upon the question was its Department of Public Utilities. The judge overruled the objection, took evidence, made findings of fact and conclusions of law, and entered the order appealed from on July 9, 1938. His findings were in substance as follows. Between October 24, 1935 and December 31, 1937, the Old Colony had a total operating deficit of $5,775,650; for the calendar year 1937 this had been $2,360,000—made up of a freight service credit of $275,000 and a passenger service deficit of $2,636,000—and for the first six months of 1938 it was proportionally even greater. Between 1925 and 1935 Massachusetts had greatly increased its expenditures for highways, paralleling every line of the Old Colony; the automobile registration had more than tripled; and the number of passengers carried by rail in and out of Boston had decreased from 29,000,000 to 14,000,000. By eliminating 93 passenger stations—53 on the Old Colony in Massachusetts, five on the Old Colony in Rhode Island, ten on the Boston and Providence and 25 on the New England—and by an appropriate revision of the [fol. 141] remaining passenger schedules, the deficit of the Old Colony could be reduced by nearly $660,000. The suggested operating changes on the Old Colony were impossible without including those on the Boston & Providence and the New England, but that might properly be done because those two roads were also failing to earn their operating expenses, and their deficits would be reduced. The conclusions of law may also be summarized as follows. The reorganization of the Old Colony could not go through without the proposed changes, because no plan could be confirmed unless the probable earnings of the road would adequately cover its fixed charges. The continuation of the passenger service would imperil the power of the Old Colony to keep up the freight service. The passenger service which was to be ended was not indispensible to the community served, though its discontinuance would cause

some inconvenience. The public interest would in the long run be best served by securing the freight service, together with so much of the passenger service as experience had shown to be necessary. The failure to grant the relief asked would result in confiscation.

The Commonwealth does not question the facts found by the judge, and the petitioners and trustees do not dispute that the order must rest upon some power conferred upon a reörganization court. They recognize that the charter of the road is conditioned upon its serving the public; and that the measure of that service rests with the grantor—subject to constitutional limitations—through its Department of Public Utilities. They agree that ordinarily the Department alone would have power to say what service should be abandoned, and that the Interstate Commerce Commission has no such jurisdiction over a line or branch not wholly abandoned. (The Commission has itself several times so decided, on the theory that regulating the service upon a line or branch, is different from abandoning it, and that while Congress might perhaps have conferred upon it the larger power, it has not done so). The trustees rest their case first upon the argument that by § 77 of the Bankruptcy Act Congress intended to provide for the reörganization of an interstate railroad as a whole, and that in subdivision (f), 11 U. S. C. A. § 203 (f), it specifically provided that a plan duly approved should prevail over all state laws and the orders of any state authority. Having so overridden all local authority, it would be absurd to suppose that Congress should be willing to allow all possible plans to be blocked in advance: that which is immune from local interference when it comes into existence, must surely be free to be born. We could feel some force in this argument, if the judge had found that it would defeat any plan which could be devised to let the deficit accumulate during the period while the Department might be considering the case, and while its order, if unfavorable, was being reviewed. But he did not so find: all he said was that no plan could go through which did not cut off the service in question; and that is quite different from saying that an added indebtedness at the rate of $660,000 a year, for what could scarcely be more than a year, would balk all possible plans. That is most unlikely, and if the trustees meant to assert it, they should have proved it. Nothing in the testimony of the expert, Cunning-

ham, went so far; nor did the finding that "the emergency now existing on these lines will not permit of the delay and uncertainty inherent in such a programme."

The trustees next argue that there is really no question for the Department to determine, because the public convenience from continuing the service cannot possibly balance the losses entailed by it. An order which denied leave to abandon would be confiscatory and could not stand. If so, the stake is no more than the losses suffered while the properly constituted authority is considering the cause: these are no doubt serious, but they are inevitable in all inquiries, and certainly do not justify ousting the tribunal, even in favor of a more expeditious one. Possibly, if it refused to act at all, either expressly, or by such delays as showed that it was not proceeding in good faith, the judge might take over the matter himself. Conceivably such a tribunal may abdicate, and its abdication may be taken as an abandonment by the state of the enforcement of the charter conditions. Crawford v. Duluth St. Ry., 7 Cir., 60 F. 2d 212, can be so explained, for the plaintiffs had pleaded that the city council would not entertain their petition to it; though it must be owned that the court did [fol. 142] not put the result on that ground. However that may be, on July 9, 1938, there was as yet no warrant for saying that the Department had so delayed the proceeding before it as to show that it meant to evade any decision. Respect for it, and for the Commonwealth, required that it should be allowed to proceed as in other cases: only a power in substance the equivalent of the power to issue a writ of prohibition could justify prejudging the merits, however plain they may be.

Since there is therefore nothing in the particular situation to justify the order, it can stand only in case the judge in a railway reorganization is in general exempt from state statutes and the orders of state officers which would otherwise regulate and control the action of the corporate officers and shareholders. This the trustees assert, depending upon subdivision (c) (2) of § 77, 11 U. S. C. A. § 205 (c) (2), which provides that the "trustees * * * shall exercise * * * subject to the control of the judge and the jurisdiction of the Commission * * * the power to operate the business of the debtor". This language must be read along with subdivision (c) (6), 11 U. S. C. A. § 205(c) (6), and subdivision (o), 11 U. S. C. A. § 205(o),

of which we need discuss only the second, which says that the "trustees * * * shall determine what lines or portions of lines of railroad * * * if any, shall be abandoned or sold during the pendency of the proceedings in the interest of the debtor's estate and of ultimate reorganization but without unduly or adversely affecting the public interest * * * and upon order of the judge * * * authorizing any such abandonment or sale, but only with the approval and authorization of the Commission * * * the * * * trustees shall * * * carry out * * * such abandonment or sale." The argument, as we understand it, is that since the judge with the Commission's approval may abandon any "lines or portions of lines" over which the Commission has jurisdiction, he may abandon any service without its approval over which it has no jurisdiction: the condition need be fulfilled only where the condition is imposed. We see no justification for so trenching upon the usual powers of a state while the reörganization remains in substance a receivership, as it does before the plan is confirmed. Of course the judge supersedes the corporate officers and the shareholders, and may, through his trustees, exercise all their powers. Again, as to any matters over which Congress has extended its arm through the Interstate Commerce Commission, he may with 's approval do whatever the road and the Commission together might do without consulting the state authorities; the mere pendency of the reörganization does not affect preëxisting powers. But we cannot see why, merely because the road may in the end be reörganized, the judge should be able to dispense with those conditions which the state has imposed upon the grant that alone makes lawful any operation of the road whatever. So to construe the language of subdivisions (c) and (o) is to make him the tribunal to weigh and decide between the conflicting interests of the owners and the public. The notion behind the regulation of public utilities by specially qualified officials is that a judge is not qualified for such duties—at least in the first instance, or until the facts have been sifted and arranged. Assuming that a bankruptcy act might constitutionally go that far, only inescapable language could justify our imputing to Congress the intent to confer so extreme and unnecessarily provocative a power. The powers of trustees in reörganization are, to some degree at any rate, measured by those of receivers in equity (subd. (c) (2), 11 U. S.

C. A. § 205(c) (2)), and it has long been the settled policy of Congress to subject receivers in their management of the properties in their custody to the laws of the states, § 124 Title 28, U. S. Code, 28 U. S. C. A. § 124. In Iowa v. Old Colony Trust Co., 8 Cir., 215 F. 307, L. R. A. 1915A, 549, the court did indeed affirm an order which allowed the road to abandon part of its lines, over the protest of the state and its railroad commission. The statutes of Iowa provided a proceeding in a state court for that purpose and the railroad substituted for this an ancillary petition in a foreclosure suit. We assume that the court allowed the road to do this under the doctrine that, when once a court has taken custody of a res, it will draw to itself all litigation touching it. That doctrine may properly be made to cover all litigation cognizable by state courts, even though it con-[fol. 143] cern the fulfillment of charter conditions. It is of the essence of the jurisdiction for diverse citizenship that federal courts shall be deemed the equivalent of state. But when the state has set up a specialized tribunal, not judicial, at all, the federal court is not a substitute for it, and may not displace it.

Order reversed: petition dismissed.

Swan, Circuit Judge, dissenting with opinion.

[fol. 144] In United States Circuit Court of Appeals for the Second Circuit

[Title omitted]

Dissenting Opinion

Swan, Circuit Judge (dissenting):

With much diffidence I disagree with my associates. The question is merely one of statutory interpretation, for it is conceded that under its power to enact bankruptcy laws Congress may, if it chooses, exclude state authorities from control over the operation of an interstate railroad which is in process of reorganization. In my opinion section 77, 11 U. S. C. A. § 205, indicates the intention of Congress so to do.

Section 77(a), 11 U. S. C. A. § 205(a), provides that after the petition of the railroad company is approved "the court in which such order approving the petition is entered shall,

during the pendency of the proceedings under this section and for the purposes thereof, have exclusive jurisdiction of the debtor and its property wherever located." Section 77(c) (2), 11 U. S. C. A. § 205(c) (2), gives the debtor's trustee all of the powers of a trustee in bankruptcy and, subject to the control of the judge and the jurisdiction of the Interstate Commerce Commision, "the power to operate the business of the debtor." There are other provisions that also make reference to the Interstate Commerce Commission but none which requires approval to be obtained from any state authority. In this respect section 77, 11 U. S. C. A. § 205, differs significantly from section 77B, 11 U. S. C. A. § 207. The latter expressly provides that if the corporation in reorganization is a utility subject to the jurisdiction of a state regulatory body, the plan of reorganization shall not be confirmed until such state authority has been afforded an opportunity to suggest amendments or objections, subdivision (e) (2), 11 U. S. C. A. § 207 (e) (2); nor shall securities be issued without obtaining the consent of state authorities having jurisdiction over such matters, subdivision (f) (7), 11 U. S. C. A. § 207 (f) (7). In striking contrast to these provisions, section 77 (f), 11 U. S. C. A. § 205(f), provides that upon confirmation of the plan it shall be carried out subject to the supervision of the judge, "the laws of any State or the decision of any State authority to the contrary notwithstanding." Subsection (o), 11 U. S. C. A. § 205 (o), also provides that during the pendency of the proceedings the trustee may present to the judge petitions for authority to sell property of the debtor or to abandon lines or portions of lines of railroads, and the judge may grant authority so to do, but only with the approval of the Interstate Commerce Commission when that is required. To my mind these provisions indicate not only that the putting into effect of a confirmed plan of reorganization is not to be hampered by state regulatory authorities but also that the conduct of the debtor's business prior to confirmation is to be under the exclusive jurisdiction of the district judge, except where resort to the Interstate Commerce [fol. 145] Commission is expressly required. One of the chief reasons for enactment of the statute was to provide a more expeditious method of reorganization than was afforded by the old receivership procedure. Continental Illinois Nat. Bank & Trust Co. v. Chicago Rock Island & P.

Ry. Co., 294 U. S. 648, 685, 55 S. Ct. 595, 79 L. Ed. 1110. If resort to state regulatory bodies were necessary, undesirable delay might well result, as it has in this very case. Nor do I see why control by a state authority should continue up to the date of confirmation, if the confirmed plan may disregard prior orders of the state commission. The district judge has found that no plan could be confirmed unless the proposed reduction of service were made, and that the failure to grant the relief asked would result in confiscation. These findings are not challenged. Hence, enforcement of an order by the state commission refusing the proposed reduction of service could be enjoined. Mississippi Railroad Comm. v. Mobile & Ohio, R. R. Co., 244 U. S. 388, 37 S. Ct. 602, 61 L. Ed. 1216. Under such circumstances, at least, it would seem reasonable to hold that the court of bankruptcy has jurisdiction to protect the res within its custody by curtailing a confiscatory service. In my opinion the order should be affirmed.

The opinion in Re Fonda, J. & G. R. Co., 2 Cir., 95 F. 2d 397, at page 399, contains a discussion of section 77(o), 11 U. S. C. A. § 205 (o), and interprets that section as requiring the trustee to obtain approval of state authorities as well as the Interstate Commerce Commission when a line is abandond. As I was the writer of that opinion, it is appropriate to explain that in that case all parties assumed that resort should be had to the state commission. No such issue was presented and the remarks were obiter. After the benefit of argument and more mature reflection, I now think them incorrect.

[fol. 146] In United States Circuit Court of Appeals, Second Circuit

In the Matter of New York, New Haven & Hartford Railroad Company, Debtor; Commonwealth of Massachusetts, Appellant

Decree—Filed February 4, 1939

Appeal from the District Court of the United States for the District of Connecticut

This cause came on to be heard on the transcript of record from the District Court of the United States for the District of Connecticut, and was argued by counsel.

On Consideration Whereof, it is now hereby ordered, adjudged, and decreed that the order of said District Court be and it hereby is reversed with costs and with directions to dismiss the petition.

It is further ordered that a Mandate issue to the said District Court in accordance with this decree.

Wm. Parkin, Clerk.

[fol. 147] [File endorsement omitted.]

[fol. 148] Clerk's certificate to foregoing transcript omitted in printing.

[fol. 149] SUPREME COURT OF THE UNITED STATES

ORDER ALLOWING CERTIORARI—Filed March 27, 1939

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Endorsed on cover: File No. 43,170. U. S. Circuit Court of Appeals; Second Circuit. Term No. 685. Howard S. Palmer, James Lee Loomis and Henry B. Sawyer, Trustees, etc., Petitioners, vs. The Commonwealth of Massachusetts. Petition for a writ of certiorari and exhibit thereto. Filed February 17, 1939. Term No. 685, O. T., 1938.